



Bulletin

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Intergovernmental Organisation for International Carriage by Rail

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EDITORIAL



Dear Readers,

The spread of the coronavirus is having a profound impact on international rail transport and the work of OTIF. As an intergovernmental organisation, OTIF is by definition reliant upon constant exchanges with its members and partner organisations. Owing to the measures taken to fight COVID-19, which are sufficiently well known, OTIF has also been forced to make fundamental changes to the way it works.

This has primarily involved a move to full teleworking for all the staff in the Secretariat, which, luckily, was able to organise itself flexibly and positively. However, it has been more difficult to carry out classic activities, such as holding meetings of the OTIF organs and with other organisations. Nevertheless, despite the cancellation or postponement of face-to-face meetings, it has been possible to take decisions that are necessary for the further development of the appendices to COTIF. At the moment, we are gaining important experience by trying out digital tools that can do justice to the particular features of OTIF as an international legislative body with three working languages, although we are well aware that physical meetings can never be fully replaced.

The crisis is creating major challenges for international rail transport. It is particularly in cross-border rail freight traffic that the significance of the railways as a supply backbone, and the existence and use of legal systems that have been tried and tested over many years, such as COTIF, have turned out to be crucial. In addition, supplementary rules to manage the crisis have been put in place in the dangerous goods area within a very short space of time.

In passenger transport too, a basic rail transport service had to be provided, with state support if necessary. The positive perspective of the railways before the coronavirus crisis, i.e. that they are a significant means to achieve sustainability goals, should be maintained. In this respect, it is without doubt certain that rail transport will have to acquire the necessary resilience in times of crisis.

Because they are urgent, a lot of decisions in recent months have been taken unilaterally and nationally, for understandable reasons. I am convinced though that these decisions only bowed to necessity and will quickly have to be replaced by multilateral international measures. OTIF is ready and willing to make its contribution to this end.

Wolfgang Küpper
Secretary General

VISIT FROM THE AMBASSADOR OF THE REPUBLIC OF SERBIA

His Excellency the Ambassador of the Republic of Serbia, Mr Goran Bradić, visited OTIF's headquarters in Berne on 2 March 2020 for talks with the Secretary General, Mr Wolfgang Küpper.

In January 2020, Mr Bradić was appointed as the Republic of Serbia's Ambassador Extraordinary and Plenipotentiary to the Swiss Confederation. The aim of his visit to the Secretariat of OTIF was to maintain the link between Serbia and the Organisation and to reaffirm Serbia's active involvement as a Member State within OTIF.

Serbia is a deputy member of OTIF's Administrative Committee and was its chair from 2016 to 2018.



ERA AND OTIF, A COMMON OBJECTIVE

On 6 March 2020, the Secretary General of OTIF, Mr Wolfgang Küpper, welcomed Mr Josef Doppelbauer, the Executive Director of the European Union Agency for Railways (ERA), to OTIF's headquarters in Berne.

Mr Küpper had invited Mr Doppelbauer to discuss the present and future areas of cooperation between OTIF and ERA. OTIF's heads of department also took part in the meeting.

Based on the principle that international rail transport is an essential component of economic and sustainable development, Mr Doppelbauer and Mr Küpper underlined the importance of sharing information between OTIF and ERA and agreed a common objective, i.e. to ensure alignment

of the rules and provisions of the EU and the rules and international provisions of OTIF, particularly in the technical area.

Since 2013, cooperation between OTIF, the European Commission and ERA has been a key element for seamless international rail transport.



MANAGING THE CONSEQUENCES OF THE COVID-19 PANDEMIC

Since the COVID-19 crisis began, the Secretariat of OTIF has been closely following the course of the pandemic. The Secretariat of OTIF also supports the protective and public health measures implemented by the Member States and the authorities in Switzerland, OTIF's host state.

In order to manage the situation better, the Secretary General of the Organisation, Mr Wolfgang Küpper, has set up a crisis management team to discuss and take the decisions necessary for OTIF in view of the lockdown measures adopted in Switzerland and the Member States.

So far, several measures have been taken on the basis of the recommendations of the World Health Organization (WHO) and the measures implemented by the Swiss Confederation.

From a practical point of view, antibacterial gel dispensers have been installed at OTIF's headquarters in Berne, masks have been purchased and the basic measures to protect against the new coronavirus have been displayed on the premises.

There has been no official travel

since March 2020. All OTIF's staff worked at home from 17 March 2020 to 3 May 2020. Work gradually resumed at the Organisation's premises between 3 May 2020 and 31 May 2020.

Each of OTIF's departments carried out its activities in cooperation with the crisis management team.

A number of internal and external meetings with stakeholders have been held remotely. For instance, the Working Group TECH recently met using the MS Teams platform.

At the same time, some meetings and events have been cancelled or postponed by agreement with the Member States and in line with the rules of procedure of OTIF's organs.

Lastly, it is important to point out that a number of measures relating to the provisions of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) have been adopted.

According to RID 1.5.1.1, the competent authorities of the Member States may agree directly between themselves to authorise certain transport operations on their territory by temporary derogation from the requirements of RID.

The Secretariat of OTIF has published [here](#) the text of the temporary derogations and the list of Member States that have signed them, and since the start of the COVID-19 pandemic, the following four documents have been online:

- [RID 1/2020](#): Agreement concerning safety adviser certificates in accordance with 1.8.3.7 of RID
- [RID 2/2020](#): Agreement concerning periodic or intermediate inspections of tanks in accordance with 6.8.2.4.2, 6.8.2.4.3, 6.8.3.4.6, 6.8.3.4.12, 6.9.5.2 and 6.10.4 of RID
- [RID 3/2020](#): Agreement concerning the periodic inspection and test of pressure receptacles for the carriage of gases of Class 2
- [RID 4/2020](#): Agreement concerning periodic or intermediate inspections of portable tanks and UN multiple-element gas containers (MEGCs) in accordance with 6.7.2.19.2, 6.7.3.15.2, 6.7.4.14.2 and 6.7.5.12.2 of RID.

ORIGINAL DATE IN 2020	MEETING	STATUS	POSTPONED TO
16/03 - 20/03	RID/ADR/ADN Joint Meeting	CANCELLED INF.35 OTIF NEWS 12/03/2020	Additional days will be added to the RID/ADR/ADN Joint Meeting planned for September 2020 in Geneva
31/03 - 02/04	18 th Session of the working group on tank and vehicle technology	POSTPONED RID-20005-CE	6-8 October 2020, Bonn
21/04 - 22/04	3 rd Session of the Working Group of Legal Experts	POSTPONED OTIF NEWS 18/03/2020	20-22 October 2020, Berne http://otif.org/en/?page_id=586
22/04	3 rd Session of the ad hoc Committee on Cooperation	POSTPONED OTIF NEWS 18/03/2020	22 October 2020, Berne http://otif.org/en/?page_id=588
25/05 - 26/05	12 th Session of the RID Committee of Experts' standing working group	POSTPONED RID-20009-CE-56 OTIF NEWS 15/04/2020	23-27 November 2020, London (to be confirmed)
27/05	56 th Session of the RID Committee of Experts	CANCELLED RID-20009-CE-56 OTIF NEWS 15/04/2020	The decisions that are necessary will be adopted using the written procedure
16/06 - 17/06	13 th Session of the Committee of Technical Experts	CANCELLED TECH-20025 OTIF NEWS 26/05/2020	The decisions that are necessary will be adopted using the written procedure
17/06 - 18/06	40 th Session of Working Group TECH	REMOTE MEETING TECH-20025 OTIF NEWS 26/05/2020	
25/06 - 26/06	133 rd Session of the Administrative Committee	CANCELLED OTIF NEWS 28/05/2020	The decisions necessary for the Organisation to function properly will be adopted using the written procedure.

Note: this table was updated on 19 June 2020

WHAT IS COVID FOR YOU?



COEUR
ORGANE
VIE
INIITIATION
DÉCOUVERTE

CONTENTMENT
OFTEN
VANISHES
INTO
DARKNESS

COOPERATION
OPPORTUNITY
VICINITY
INTEGRITY
DETERMINATION

CHAMPIONS
ORGANISATION
VALUES
INTEGRATION
DILIGENCE

CAPABILITY
OF
VANQUISHING
IMMINENT
DANGER

CARRIAGE
OF
VARIOUS
INDISPENSABLE
DEVICES

COFFEE IN THE MORNING AS USUAL
OFFICE AT HOME
VIDEO CALLING WITH THE TEAM AT 4
INDOOR FITNESS
DREAMING THAT IT WILL BE OVER SOON

CHANGE
OPTIMISMUS
VERTRAUEN
INTELLIGENZ
DUMMHEIT

CCHEERFUL
OPTIMISM
VANQUISHED
IN
DESPAIR

CONTINUITY
OPERATION
VIDEO
INNOVATION
DISSEMINATION

CONTRACTING STATES
OTIF
VIDEO CONFERENCE
INTERACTIVITY ON
DANGEROUS GOODS



Thanks to Ms Price and the Secretariat team

THE CARRIAGE OF DANGEROUS GOODS AND THE CURRENT PANDEMIC

The Secretariat of OTIF, particularly its dangerous goods department, is very actively involved in resolving certain problems resulting from the COVID-19 crisis.

Application of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) has been somewhat disrupted as a result of the lockdown measures – which vary in their severity – adopted in the RID States parties in the interest of public health and safety.

Owing to the temporary closure of most non-essential establishments, no safety adviser training or examinations have been possible and the periodic and intermediate inspections prescribed in RID for tank-wagons and tank-containers cannot be carried out within the prescribed deadlines. Consequently, some transitional measures have been found so that safety advisor training certificates remain valid beyond their period of validity and an arrangement has been put in place for tank-wagons and tank-containers.

In addition, in cooperation with the gas industry, a solution has been adopted whereby gas cylinders for medical gases that have to undergo a periodic inspection can continue

to be used. This solution is all the more necessary because, owing to the coronavirus disease pandemic, the demand for liquid oxygen has increased fivefold, the demand for oxygen cylinders tenfold and additional oxygen storage tanks have to be provided in hospitals. It is important to note that in order to ensure safety, the safety checks on pressure receptacles still have to be carried out before and after gas cylinders are filled.

In addition, the Secretariat of OTIF has responded to various questions of interpretation raised by the Member States.

For example, to what extent do the dangerous goods regulations apply when patients on medical devices are moved to less overcrowded hospitals in passenger trains? RID stipulates that emergency transport intended to save human life is exempt from the requirements. Accordingly, it is sufficient to take general measures to ensure that this type of transport is carried out in complete safety. The Secretariat of OTIF remains at its Member States' disposal to facilitate international rail transport in any circumstances.



CONGRATULATIONS

On 17 February 2020, Helmut Rein, the former chairman of the RID Committee of Experts, the RID Committee of Experts' standing working group, the ADN Safety and Administrative Committee and deputy chairman of the RID/ADR/ADN Joint Meeting and former head of the Dangerous Goods Division at Germany's Federal Ministry for Transport and Digital Infrastructure, was presented with the German Dangerous Goods Award for 2020. The award was to recognise his outstanding commitment to international dangerous goods law and to safety in the carriage of dangerous goods.

The award was presented by Mr Enak Ferleman, Parliamentary Secretary of State at the Federal Ministry for Transport and Digital Infrastructure, at a ceremony as part of the 36th international "Gefahrguttag" (dangerous goods days) in Hamburg.

The jury that selected Helmut Rein from among the nominations sent

in highlighted in particular that in his work to improve safety in the carriage of dangerous goods, he had always borne in mind the interests of the industry concerned and the control authorities, as well as those of the legislator. As part of his international work, he had also maintained constant communication with his colleagues in other states.

Helmut Rein was actively involved in various developments in international dangerous goods law. For example, transposing the dangerous goods safety adviser, which had only previously existed in German law, into international law, restructuring the land transport provisions for the carriage of dangerous goods and using telematics in dangerous goods transport.

In response, Helmut Rein did not omit to mention his colleagues both national and international, without whom his work could not have been successful.

The Secretariat of OTIF congratulates Helmut Rein on being awarded the German Dangerous Goods Award and the jury for the excellent choice. As chairman of the RID Committee of Experts, one of OTIF's most important bodies, his thorough preparation in a wide variety of subjects meant that for more than 17 years, he was always able to lead negotiations unerringly and in a structured manner. With his great sense of diplomacy, he succeeded in preparing compromise proposals that all the RID Contracting Parties were able to support. Helmut Rein's work has made a substantial contribution to the quality of international rail transport law.

Jochen Conrad



DEPOSITARY NOTIFICATIONS

From 25 March 2020 – [last Bulletin](#)

NOT-20015	27.05.2020	Germany – Approval of the amendments to COTIF and Appendices E and G adopted by the 13 th General Assembly
NOT-20012	30.04.2020	Entry into force of the modifications to the NVR Specifications and UTP TAF adopted by the Committee of Technical Experts using the written procedure Corrections to the NVR Specifications
NOT-20011	27.03.2020	Delegation of the European Union in Switzerland and for the Principality of Liechtenstein - note verbale concerning the agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, and annex to the note verbale

OTIF AT THE “BERNE DAYS”

On 13 February 2020, the Secretary General of OTIF, Mr Wolfgang Küpper, spoke at the 2020 Berne Days organised by the International Rail Transport Committee (CIT).

For this 10th session, the Berne Days on international rail transport law highlighted the impact of digitalisation on contracts of carriage of passengers and goods. The conference also reflected the current status of developments in international and European rail transport law.

OTIF's Secretary General gave a speech during the first part, entitled “Latest developments in railway law

from the point of view of legislative institutions and operators”. This part was moderated by Mr Cesare Brand, the General Secretary of CIT. Mr Küpper presented the most recent developments in COTIF: the work undertaken so far on the electronic consignment note, the new Appendix H to COTIF adopted by the 13th General Assembly and the work that is underway on future amendments to RID for the 2021 edition.

Mr Küpper then explained OTIF's approach to the subject of digitalising freight transport documents. Initially, the Working Group of Legal Experts will assess

the application and relevance of the rules of COTIF on digital freight transport documents and will also take into consideration the relevant regulatory practices of other international organisations and other modes of transport. Secondly, the Group will decide how OTIF should support and/or regulate digitalisation.

The Secretariat of OTIF would like to thank the CIT for its warm welcome.



SPECIAL VILNIUS BULLETIN



The Secretariat of OTIF is very pleased to announce publication of the special “Vilnius Symposium” edition of the Bulletin and that videos of the symposium have been uploaded.

MAKING MULTIMODAL TRANSPORT SUBJECT TO COTIF RAILWAY LAW – ENTERING MARITIME OR INLAND WATERWAY ROUTES IN THE CIV AND CIM LISTS OF MARITIME AND INLAND WATERWAY SERVICES

Why enter new shipping lines?

If the OTIF Member States concerned enter shipping lines in the lists of maritime and inland waterway services provided for under Article 24 of COTIF, this makes it possible for railway undertakings and shipping companies that work together with the rail sector to perform multimodal rail-sea transport under a single legal regime, i.e. the CIV or CIM UR, thus providing rail transport customers with a single contract based on a single transport document for multimodal rail-sea transport. This avoids having to change legal regimes, from railway law to maritime law, and vice versa, as well as various problems that can arise when having to change from one legal regime to the other (costs, lack of clarity in terms of liability, etc.).

What is the procedure? What has to be considered?

A Member State notifies the Secretary General of OTIF, in agreement with the other Member State concerned by the service.

Maritime routes linking two Member States of COTIF can only be entered in the list of lines with the agreement of both States. In other words, both States must wish to subject rail transport including carriage by sea to the CIM or CIV regime. The agreement of both States is *a conditio sine qua non* for any registration of a ferry or other maritime service. For a Member State that is interested in registering a line, Article 24 of COTIF does not prescribe the form in which it has to document the agreement of the other State. In the experience of OTIF's Secretary General as the Depositary, a reference to an agreement concluded with the other Member State is considered sufficient.

Obligatory information to be provided for an entry

- Name and address of the shipping company operating the service
- End points of the route (ports/embarkation points)
- Length of route in kilometres

If so wished and only for CIM maritime services (not for inland waterways):

- Information on the particular liability regime in accordance with Article 38 CIM. Both Member States concerned must also agree on this notification.

Legal Department

VEHICLE ADMISSION

Railway vehicles are instrumental to international traffic by rail. The purpose of the COTIF technical Appendices APTU and ATMF is to provide harmonised rules and procedures for the admission of vehicles to international traffic. But what exactly does ‘vehicle admission’ mean, and what are the rights and obligations related to it? This article explores the purpose of APTU and ATMF and why these Uniform Rules are important for states which have or which want to develop international traffic by rail.

Introduction: approval of rail vehicles – ensuring that they can be safely used on a network

Rail is a technically complex system and the complexity lies mainly in the numerous interfaces between vehicles and the infrastructure on which they run. Think of the gauge, which means the size of the vehicle, compared with the free space provided by the infrastructure, the speed at which a vehicle can safely run on particular curves or switches, the weight or axle load of a vehicle versus the capacity of a line, or the functioning of the signalling systems, which is essential for capacity, traffic management and prevention of collisions.

In addition to these interfaces, it is also important that a vehicle is intrinsically safe, for example that it is strong enough to cope with the loads expected in operation, that it absorbs energy in the event of a collision, and that there is no risk of electric shock for the people in or near the vehicle.

For these and many other reasons, every rail vehicle, wherever it is used in the world, is subject to some kind of verification against implicit or explicit requirements before it is used.

COTIF’s Appendices APTU and ATMF together provide the legal basis in international law to harmonise the requirements as well as the procedures for the admission of railway vehicles for use in international traffic.

Technical requirements

(See also the article “national technical requirements for vehicles in international traffic” published in [Bulletin 2/2019](#))

Uniform Technical Prescriptions

On the basis of APTU and ATMF, detailed rules are adopted by the Committee of Technical Experts, most notably in the form of Uniform Technical Prescriptions (UTPs). These detailed rules cover technical construction requirements and procedures for the verification of compliance. For this purpose, all Contracting States mutually recognise and accept evidence of verifications and technical certificates issued in accordance with the Uniform Rules, irrespective of the Contracting State in which they were issued.

UTPs are developed to contain all the requirements which vehicles must comply with in order to circulate freely in international traffic. UTPs contribute to ensuring safety, efficiency and availability, whilst taking account of environmental protection and public health. Where possible, UTP requirements are performance-related and do not define technical solutions. This is to allow innovation and technological progress. Technical solutions are imposed only where this is strictly necessary for interoperability; in particular, to define interfaces between vehicles and infrastructure.

The design of a vehicle may be optimised for a particular type of

line or operation, meaning that it may not be suitable for use on all lines. Furthermore, the networks in different countries have different technical characteristics for historical reasons. For this reason, UTPs may contain ‘specific cases’, which may limit the conditions of admission of a vehicle and where it can be used. It is therefore necessary that compatibility between the vehicle and the routes on which it is to be used is checked. In accordance with Article 6 § 2 and Article 15a of ATMF, it is the responsibility of the railway undertaking to check this route compatibility.

Specific cases

SPECIFIC CASE IS DEFINED IN ARTICLE 2 OF ATMF AS FOLLOWS:

“specific case” means any part of the rail system of the Contracting States which is indicated as a special provision in the UTP, either temporarily or definitively, because of geographical, topographical or urban environment constraints or those affecting compatibility with the existing system. This may include in particular railway lines and networks isolated from the rest of the network, the loading gauge, the track gauge or space between the tracks as well as vehicles strictly intended for local, regional or historical use, and vehicles originating from or destined for third countries;”

In accordance with Article 8 § 4 of APTU, each specific case must include requirements concerning the procedures to be used in order to assess conformity with it.

National Technical Requirements

In addition to the UTP requirements, including specific cases, Contracting States can impose national technical requirements and notify them to the OTIF Secretariat in accordance with Article 12 of APTU. There are several possible justifications why NTRs may be necessary:

- In the absence of UTPs (for vehicles this only concerns the on-board part of the command control and signalling system, as all other vehicle parameters are covered by UTPs).
- To cover open points in the UTPs. (An open point in the UTP means that the parameter is indispensable for the mutual acceptance of vehicles and their free circulation in international traffic, but that it has not yet been possible to harmonise the specification to cover the parameter.)
- To ensure technical compatibility with the particularities of a network.
- To provide (detailed) specifications related to a specific case.

ARTICLE 12 § 2 OF APTU SETS OUT THE OBJECTIVE AND SCOPE OF NATIONAL TECHNICAL REQUIREMENTS:

“...to ensure the technical compatibility between the vehicles and its [the Contracting State’s] network concerned; this includes national rules applicable to “open points” in the technical

prescriptions and applicable to the specific cases duly identified in the technical prescription.”

It should be noted that Article 12 is based on the idea that NTRs should be replaced by UTPs as far as possible. This is expressed in § 1 of Article 12:

“...[NTR] may stay in force only until it or an analogous requirement is brought into force through the adoption of prescriptions according to the Articles above. The Contracting State may at any time withdraw the temporary provision and notify this to the Secretary General.”

Furthermore, Article 12 § 2 of APTU requires that every time a UTP is adopted or amended, the Contracting States must notify, with justification, the NTRs that are still required after the UTP enters into force. This notification must be given within 6 months after the entry into force of the UTP. In the absence of such notification, the NTRs are assumed no longer to be required.

Conformity assessment and the benefits of 3rd party assessment

In general, assessment of conformity of any product with the applicable requirement can be done by means of first, second, or third party assessments. In the scope of railway vehicle conformity assessment, first party assessment would mean self-assessment by the manufacturer. Second party conformity assessment would be performed by an organisation that has a user interest in the vehicle, for example the railway undertaking as the final user or keeper of the vehicle. Third party assessment is performed by an entity that is independent of the manufacturer of the vehicle and of the user interests

in that vehicle. The verification of conformity of rail vehicles with UTPs must be done by third party assessment.

Article 5 of ATMF lays down which entities are prohibited from being an assessment entity for conformity assessments for vehicle admissions to international traffic. The types of entities which cannot be assessing entities are rail transport undertakings, infrastructure managers, vehicle keepers, entities in charge of maintenance (ECMs), and designers or manufacturers of railway material, including subsidiaries of the foregoing entities. Furthermore, there is a set of independence requirements that assessing entities performing checks in the scope of ATMF must meet.

The Contracting State’s competent authorities may carry out conformity assessments under their own responsibility, provided they have the technical competence, or they may transfer to assessing entities the task of carrying out assessments as a whole or partly. Within the European Union, the verification of conformity with TSIs is the task of so-called Notified Bodies. Notified Bodies are also recognised under COTIF as being competent to carry out verifications of conformity with UTPs outside the European Union.

The benefits of third party assessments are that because of their independence, they can be considered objective and therefore a good basis for mutual acceptance of the results. Furthermore, third party assessment allows the very specific knowledge of assessments to be concentrated in specialised assessing entities which, potentially, can work for different customers in different states. This allows for economies of scale and avoids each government competent authority or each railway undertaking having to be in possession of such expertise.

Admission to international operation of a vehicle

The ATMF definition of “admission to operation” means a right that is granted, according to which a competent authority authorises a vehicle to operate in international traffic, as evidenced by a Certificate of Operation. The purpose and objective of APTU and ATMF are to permit rail vehicles to be used in international traffic between Contracting States. The basic concept of ATMF is that certificates issued on the basis of ATMF by one Contracting State are valid in all the other Contracting States. This requires a robust and repeatable conformity assessment and hence avoids the need for duplicate procedures in different states.

ATMF imposes requirements on the railway undertaking(s) that use a vehicle, including that the compatibility between the vehicle and the infrastructure must be checked and that the vehicle must only be used within its limits and conditions of use. The safe operation of trains, including the safety management system of the railway undertaking, is not in the scope of APTU and ATMF. This means that when a railway undertaking uses a vehicle in an international train, it must comply with the rules applicable in the state where that train is running.

Domestic approval versus international admission

In general, vehicles are not used exclusively in international traffic, i.e. vehicles will at least sometimes be used in domestic traffic. A vehicle therefore has to be approved for use in domestic traffic as well as admitted for use in international traffic; from a legal perspective, these are two separate procedures. However, many Contracting States have aligned the procedures for domestic or regional (i.e. in the European Union) use and admission

to international traffic in accordance with COTIF. A state that grants a new vehicle its first admission to international traffic will usually also approve it for use in its domestic traffic. This is particularly true for freight wagons.

Implementation of ATMF by Member States

(see also the article “Appendix G to COTIF (ATMF) and its institutional implementation”, published in [Bulletin 1/2018](#).)

Article 5 of ATMF requires each Contracting State to notify its competent authority to OTIF’s Secretary General, who publishes a list of competent authorities on OTIF’s website. The competent authority may admit vehicles to international traffic by issuing a Certificate of Operation. This certificate is evidence that the vehicle is admitted to operation. Under the conditions laid down in Article 6 of ATMF, the admission is either valid in all Contracting States, or the competent authorities of the other States may ask the applicant for additional technical information, such as a risk analysis and/or vehicle tests before granting a complementary admission to operation and extending the vehicle’s area of use.

Concluding considerations

Rail is a complex system and the use of vehicles on the network of different states requires a high level of harmonisation of rules and procedures. Correct and consistent implementation and application of the COTIF provisions is necessary for effective mutual acceptance of verification results and certificates between Contracting States.

COTIF’s Appendices APTU and ATMF are relatively new, as they first entered into force in 2006, and the first set of UTPs dates back to

2012. The provisions are however essential for international traffic.

Prior to these COTIF rules, the international use of vehicles relied greatly on agreements between railways, but this became problematic as a result of fragmentation due to the liberalisation of railways in many states. COTIF now provides a neutral legal framework that can be applied in states with liberalised systems, as well as in states which have national railways.

The Contracting States would have maximum benefit if the rules were applied over the widest possible geographical scale. The common rules are already used widely in Europe, either by the application of COTIF, or by the application of equivalent EU law. Further application in Asia and Africa may be instrumental to the growth of international traffic by rail within and between continents. For this purpose, the Committee of Technical Experts will be pleased to consider including new requirements in UTPs to cover particular national or regional conditions.

Bas Leermakers

56th SESSION OF THE UN SUB-COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS

(Geneva, 4 – 10 December 2019)

The 56th session of the UN Sub-Committee of Experts was the second session in the 2019/2020 biennium. Its decisions form the common basis for all the mode-specific dangerous goods regulations. In the context of harmonising RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, these decisions will also be carried over into the 2023 editions of RID, ADR and ADN.

The 56th session of the UN Sub-Committee of Experts on the Transport of Dangerous Goods was held from 4 to 10 December 2019 under the chairmanship of Mr Duane Pfund (United States of America). 18 states, 6 governmental organisations and 20 non-governmental organisations were represented at the session. As all the decisions of the UN Sub-Committee of Experts have repercussions for the dangerous goods provisions of the various modes, the Intergovernmental Organisation for International Carriage by Rail (OTIF) was represented as a modal organisation.

Packing

Polyester resin kits

Polyester resin kits consist of two components, a base material assigned to either Class 3 or Class 4.1, and an organic peroxide as the activator.

For UN numbers 3269 and 3527 (Polyester resin kit, liquid/solid base material), Code “E0” is now assigned in column (7b). This means that these products may not be carried in excepted quantities. For carriage in limited quantities, column (7a) specifies the thresholds as 5 kg or 5 litres.

However, special provision 340, which is also assigned to these

two UN numbers, stipulates that carriage in excepted quantities is possible, although for the individual components, the quantity limits specified in column (7b) of Table A must be observed. Although organic peroxides are not permitted as excepted quantities according to column (7b), they are permitted in polyester resin kits and are assigned Code E2.

China pointed out the contradiction between the information in column (7b) and special provision 340. The UN Sub-Committee of Experts decided to delete Code “E0” from

column (7b) and to refer instead to special provision 340.

Transport of transformers with gas cylinders

For operational reasons, transformers are pressurised with nitrogen or with synthetic or dried air or also with a mixture of these gases. However, as the transformers are not gas-tight, low quantities of gas are constantly supplied through a pressure regulator from a gas cylinder connected to the transformer.



Such transformers must be assigned to entry UN 3538 ARTICLES CONTAINING NON-FLAMMABLE, NON-TOXIC GAS, N.O.S., for which packing instruction P 006 requires, among other things, that the shut-off valves on the gas cylinders must remain closed during transport (see also Bulletin 4/2019, p. 17-18).

At the last session of the UN Sub-Committee of Experts, there was a preliminary discussion of the problem of the lack of gas-tightness of transformers. The view expressed was that there was no safety issue if small quantities of gases which are not flammable, toxic, corrosive or oxidising are released into the environment, provided that an asphyxiant gas accumulation in confined spaces is prevented. Germany accordingly submitted a revised document, which the UN Sub-Committee of Experts adopted after it had been discussed beforehand in an informal working group.

A special provision permitting the carriage of such articles with open gas cylinder valves was assigned to UN number 3538. Permitted gases are nitrogen of UN number 1066, compressed gas of UN number 1956 or compressed air of UN number 1002. The gauge pressure of the gas must not exceed 35 kPa (0.35 bar). Cargo transport units in which articles with open gas cylinder valves are carried and which contain a gas which presents a risk of asphyxiation must be well ventilated and marked with the warning mark for cargo transport units containing dangerous goods used for cooling or conditioning purposes.

Clarification of packing instruction P 903

Paragraph (2) of packing instruction P 903 stipulates that for the packing of lithium cells and lithium batteries with a gross mass of 12 kg or more and for assemblies of

such cells or batteries, strong outer packagings, protective enclosures, pallets or handling devices are sufficient.

The battery industry pointed out that for assemblies of cells or batteries, the current wording also requires that each individual cell or battery in the assembly must have a gross mass of more than 12 kg.

From the discussion at the UN Sub-Committee of Experts, it emerged that it is not necessary to refer to assemblies of cells or batteries, because the definition of battery in the Manual of Tests and Criteria already specifies that units which have two or more cells that are referred to as assemblies are treated as batteries. It was accordingly made clear in paragraph (2) of packing instruction P 903 that a single cell or battery must have the minimum gross mass specified.

Period of use for composite IBCs with plastics inner receptacle

At the last session of the UN Sub-Committee of Experts, it was clarified in 4.1.1.15 that for composite IBCs, the period of use relates to the date of manufacture of the inner receptacle.

Bearing in mind this decision, the UN Sub-Committee of Experts adopted a proposal from Germany whereby, in special packing provision B 15 of packing instruction IBC 02, the reduction of the permitted five year period of use to two years would also only relate to the plastics inner receptacle of composite IBCs, and not to the entire composite IBC.

Use of recycled plastics material for all rigid plastics packagings

Many states have set themselves environmental aims to achieve the

sustainable use of plastics in the manufacturing of packagings. For example, the European Union has set out such aims in a European strategy for plastics in a circular economy.

The International Confederation of Plastics Packagings Manufacturers had already submitted a document to the last session of the UN Sub-Committee of Experts to initiate a discussion on the increased use of recycled plastics in dangerous goods packagings (see Bulletin 4/2019, p. 17).

In the 1990s, initial efforts to allow the use of recycled plastics in the UN Model Regulations led to the inclusion of a definition of recycled plastics and the possibility of manufacturing drums (1H1, 1H2) and jerricans (3H1, 3H2) from recycled plastics.

As the use of recycled plastics was a novelty in the 1990s, the original requirements for such materials were understandably conservative. The International Confederation of Plastics Packagings Manufacturers was of the view that experience with plastics drums and jerricans had shown that recycled plastics can be used safely to manufacture dangerous goods packagings. Consequently, it should also be permitted to use recycled plastics for rigid plastics IBCs and composite IBCs with plastics inner receptacles.

There was general agreement at the UN Sub-Committee of Experts that the current provisions in the UN Model Regulations needed to be revised in order to promote the use of recycled plastics for IBCs to support the circular economy. As the definition of recycled plastics material in 1.2.1 says that only material recovered from used industrial packagings may be re-used, Belgium proposed that in future, the UN Sub-Committee of Experts should consider a more general approach in order to enable the use of recycled plastics collected from consumers.

The UN Sub-Committee of Experts adopted the proposal from the industry also to allow recycled plastics material recovered from used industry packagings for rigid plastics IBCs and composite IBCs with plastics inner receptacles. In contrast, there was no support for the industry's proposal to delete the quality assurance requirements. Most experts agreed that a minimum level of provisions to ensure a harmonised approach to quality assurance is necessary. However, it was recognised that some requirements in connection with the revision of standard ISO 16103 (Packaging — Transport packaging for dangerous goods — Recycled plastics material) should be discussed again.

Provisions for pressure receptacles and their closures

At the RID/ADR/ADN Joint Meeting in March 2014, it was decided to set up a working group led by the European Industrial Gases Association (EIGA) with the following terms of reference for pressure receptacles:

- Clarification of the meaning of the term “pressure receptacle” to include or exclude their closures;
- Investigation of the completeness of requirements on the design, conformity assessment and marking of closures of pressure receptacles.

The background to this work was that in some places, Chapter 6.2 refers to “pressure receptacles and their closures” and in others, to “pressure receptacles”, thus making the term polysemous. In addition, as it is quite usual for the conformity assessment of closures to be carried out separately from the conformity assessment of cylinders, pressure receptacles and large cylinders, it was necessary to specify the provisions that have to

be met in the initial inspection and testing of closures, as well as the marking requirements for closures.

It was later recognised that this work must already be carried out on the basis of the UN Model Regulations so that in particular, the approaches chosen in different parts of the world can also be taken into account.

The results of the UN Sub-Committee of Experts' informal working group were discussed at the last session of the UN Sub-Committee of Experts and were slightly revised for this session in light of the comments made.

In summary, the following amendments will now be made:

- In the definition of “pressure receptacle”, it will be made clear that the term “pressure receptacle” also includes closures and other service equipment. For pressure receptacles, closures are, for example, valves, pressure relief devices, pressure gauges or level indicators. In contrast, as for tanks, the new term “pressure receptacle shell” will be introduced, which specifies that this term excludes closures and other service equipment, but includes any permanently attached device(s). In addition to the term “pressure receptacle shell”, the terms “cylinder shell”, “pressure drum shell” and “tube shell” may also be used in specific individual cases.
- The definition of “service equipment”, which has previously applied only to tanks, elements of a battery-wagon/ battery-vehicle and IBCs, will be broadened to apply to pressure receptacles. Service equipment of a pressure receptacle means closure(s), manifold(s), piping, porous, absorbent or adsorbent material and any structural devices, e.g. for handling.

- The definition of “working pressure” will include specifications concerning acetylene cylinders.
- The current definition of “cryogenic receptacle” will only cover closed cryogenic receptacles, as the capacity of 1000 litres referred to cannot exceed 450 litres for open cryogenic receptacles (see packing instruction P 203). A definition of “inner vessel, for a closed cryogenic receptacle” will also be included. This is the pressure vessel intended to contain the refrigerated liquefied gas.
- Some provisions will be included to specify those pressure receptacles for which separate con-formity assessment of the pressure receptacles and closures is allowed and those for which a final conformity assessment is required. New marking provisions will be included for the separate conformity assessment.

Marking and labelling

Optical differentiation of labels/ placards for gases

The last session of the UN Sub-Committee of Experts discussed the possibility of a different design for danger labels model No. 2.1 (flammable gases) and model No. 3 (flammable liquids) and for danger labels model No. 2.3 (toxic gases) and model No. 6.1 (toxic substances), so that in an accident, it would be easier to ascertain the actual danger from a distance. It was agreed to continue the discussion initially in a correspondence working group.

The correspondence working group firstly set out the arguments for and against amending the provisions:

For:

- Visual differences improve easy recognition,
- Avoid mixing up of labels and wrong attachment,
- Improves information, specifically for emergency services, bearing in mind that their tasks, competence, equipment and training vary from country to country,
- Greater safety distances in incidents involving gas can be set up more quickly.

Against:

- Around 2 billion gas cylinders worldwide would need to be relabelled, although they are easily recognisable owing to their shape,
- Other sources of information are available in parallel, such as orange-coloured plates and in some cases the UN number is shown on the danger label,
- Lengthy transitional periods would be needed to avoid costs, possibility of confusion during the transitional period.

An informal working group that met during the breaks concluded that using the gas cylinder symbol on danger labels for gases is perhaps not the best solution. A compromise might be to include some text on the danger label, such as “flammable gas” or “toxic gas”, or the UN number, as is already the practice in some parts of the world. If lengthy transitional periods are allowed, it should also be borne in mind that as a result of progressive digitalisation, it is possible that electronic information will become available earlier.

General transport provisions

Harmonisation of the structurally serviceable requirement for containers

7.1.3.3.1 of the UN Model Regulations sets out requirements for the structural serviceability of cargo transport units when used for the carriage of explosive substances and articles of Class 1. These have also been carried over into 7.1.2 of the IMDG Code. In RID/ADR/ADN, these requirements are set out in 7.1.4, where they apply generally to the carriage of substances of all classes. While the structurally serviceable requirements for bulk containers and flexible bulk containers in RID/ADR 7.3.1.13 and 7.3.2.10 are harmonised between RID/ADR/ADN and the IMDG Code, the requirements for other cargo transport units differ in the provisions of the various transport modes (see also Bulletin 4/2019, p. 18).

A majority at the UN Sub-Committee of Experts supported the joint proposal submitted by the European Chemical Industry Council and Germany that all cargo transport units used for the carriage of dangerous goods should be structurally serviceable. It decided to move the text relating to structural serviceability from the special requirements for the carriage of explosive substances to the general provisions in 7.1.1 of the UN Model Regulations. It also decided to amend the definition of “structurally serviceable” in light of technical developments in recent years. In particular, no technical necessity for the 19 mm criterion for dents and bends was identified. In practice in fact, this would cause problems, as it contradicts documents of the International Convention for Safe Containers

(CSC) and the International Maritime Organization (IMO). It was also decided to give consideration to any distortion to the construction or damage to lifting devices.

Any other business

Tribute to Ms Gudula Schwan

The UN Sub-Committee of Experts was informed that Ms Gudula Schwan (head of the German delegation), who had taken part in the work of the UN Sub-Committee of Experts since 2005, will be taking on new tasks at national level and will no longer be attending the meetings. The UN Sub-Committee of Experts thanked Ms Schwan for her work and commitment and wished her much success in her future activities.

Next meeting

The 57th session of the UN Sub-Committee of Experts will be held from 29 June to 8 July 2020 in Geneva and will continue work on the 22nd revised edition of the UN Model Regulations.

Jochen Conrad

CALENDAR OF OTIF'S MEETINGS IN 2020

DATE	EVENT	ORG	LOCATION
8 - 9 September	Joint Coordinating Group of Experts (REMOTE)	DG MOVE	Berne - Switzerland
9 - 10 September	Working group WG TECH. 41 st session (REMOTE)		Berne - Switzerland
10 - 18 September	RID/ADR/ADN Joint Meeting	UNECE	Berne and Geneva – Switzerland
6 - 8 October	Working Group on Tank and Vehicle Technology	BMVI	Bonn – Germany
20 - 22 October	Working Group of Legal Experts; 3 rd session		Berne - Switzerland
20 October	Ad hoc Committee on Cooperation; 3 rd session		Berne - Switzerland

EVENTS WITH OTIF PARTICIPATION IN 2020

DATE	EVENT	ORG	LOCATION
2 July	VöV – UTP Symposium	UTP*	Berne - Switzerland
7 - 9 July	Group of Experts towards Unified Railway Law (GEURL), 22 nd Session (POSTPONED)	UNECE	Geneva - Switzerland
8 July	European Training Center for Railways (ETCR) – Lecture (CANCELLED)	ETCR**	Bruges - Belgium
25 - 28 August	Group of Experts on Annex 2 to SMGS “Provisions for the Carriage of Dangerous Goods”	OSJD	Warsaw - Poland
27 - 28 August	General Assembly of the Association of Public Transport	UTP*	Berne - Switzerland
2 - 3 September	7 th Annual Meeting of International Organisations	OECD	London - UK
9 September	CIM/SMGS Group of Experts	CIT	Berne - Switzerland
10 September	CIM/SMGS Steering Group	CIT	Berne - Switzerland
28 - 30 September	Group of Experts towards Unified Railway Law (GEURL), 22 nd Session	UNECE	Geneva - Switzerland

* UTP- Association of Public Transport

** ETCR - College of Europe, European Union Agency for Railways



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Thank you for your continued interest.
The Bulletin editor