

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

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Subject: 6.8.2.4.3 and 6.8.2.5.2 in relation to the date of the intermediate inspection

Proposal transmitted by the Czech Republic

Introduction

1. In connection with amendments to the provisions of RID 6.8.2.4.3 and 6.8.2.5.2 of 1 January 2009 concerning the intermediate inspection of tanks, ambiguities arise in the carriage of dangerous goods in respect of use of a tank-wagon after expiry of the date specified for performing the intermediate inspection if this date is not followed by the letter "L".
2. In order to make the transport of dangerous goods run smoothly and to establish a uniform procedure for all COTIF (RID) Member States, their railway undertakings, participants in carriage, and the authorities and institutions concerned, we propose to standardise the interpretation of how to proceed in the event that the date of the intermediate inspection for a tank-wagon is overdue, but the letter "L" is not inscribed on both sides of the tank-wagon after the date of the next inspection.

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Current status

3. The amendment to 6.8.2.4.3, which has been in force since 1 January 2009, requires among other things that:

“Shells and their equipment shall undergo intermediate inspections at least every four years | two and a half years after the initial inspection and each periodic inspection. These intermediate inspections may be performed within three months before or after the specified date.

However, the intermediate inspection may be performed at any time before the specified date.”

At the same time as this amendment, the amendment to 6.8.2.5.2 entered into force, which specifies the following in its 8th (last) indent:

“The following particulars shall be inscribed on both sides of the tank-wagon itself or on a plate:

...

- date (month, year) of the next inspection in accordance with 6.8.2.4.2 and 6.8.2.4.3. If the next inspection is an inspection in accordance with 6.8.2.4.3, the date shall be followed by the letter “L”.”

4. However, no transitional provisions were prescribed for these amendments, specifying the date until which, depending on the use of the tank¹, the date has to be supplemented with the letter “L” in accordance with 6.8.2.5.2. The result is that two interpretations are possible:

Version 1: The tank may be used in the 3 months after the specified date, even though the letter “L” is not yet inscribed as specified by 6.8.2.5.2.

Version 2: The tank must not be used in the 3 months after the specified date if the letter “L” is not inscribed as specified by 6.8.2.5.2.

5. If the interpretation according to version 1 is to be applied, then some participants cannot perform their obligations as specified in Chapter 1.4.

For example, the obligation in accordance with 1.4.2.2.1 (d):

“ascertain that the date of the next test for tank-wagons, ... has not expired”^{2,3}

¹ In accordance with 1.6.3.25: “The letter “L” required by 6.8.2.5.2 need not be added until the first inspection after 1 January 2009 is performed”.

² In accordance with 1.4.2.2.2: “The carrier may, however, in the case of 1.4.2.2.1 (a), (b), (e) and (f), rely on information and data made available to him by other participants”.

³ In accordance with 1.4.2.2.3: “If the carrier observes an infringement of the requirements of RID, in accordance with 1.4.2.2.1, he shall not forward the consignment until the matter has been rectified”.

And the obligation prescribed in the penultimate paragraph of 1.4.2.2.1:

"Where appropriate, this shall be done on the basis of the transport documents and accompanying documents, by a visual inspection of the wagon or the containers and, where appropriate, the load."

6. However, it is not specified how the carrier is supposed to find out for a tank which is not marked with the letter "L" after the date of the next inspection in accordance with 6.8.2.5.2 that the tank is due to go in for the intermediate inspection in accordance with 6.8.2.4.3. Health and safety at work legislation does not allow the carrier's employees to find this information out by climbing onto a tank, only by means of a visual inspection from the ground and doing their round along the wagon.
7. If the interpretation according to Version 2 is to be applied, then this procedure is not in accordance with the provisions for inspection in accordance with 6.8.2.4.3:

" ... These intermediate inspections may be performed within three months before or after the specified date."

However, after completing the marking with the letter "L" after the date of the next inspection in accordance with 6.8.2.5.2, it is possible to continue to use the tank until the last calendar day of the third month after the specified date.

Proposal

8. For the case that after the date of the next inspection, the tank is not marked with the letter "L" in accordance with 6.8.2.5.2, the Czech Republic proposes that the provisions of 6.8.2.4.3 saying that intermediate inspections may be performed within 3 months before or after the specified date should not be applied to these tanks, and that tanks with overdue dates for performing the intermediate inspection must not be used until they are marked with the letter "L".
9. Add the following sentence to 1.6.3.25:

"If the letter "L" is not inscribed on the tank after the date of the next inspection in accordance with 6.8.2.5.2, the date specified for performance of the next inspection must not be exceeded".
