

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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TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

**Final report of the 49th session of the RID Committee of Experts
(Luxembourg, 2 - 4 November 2010)**

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ITEM 1: APPROVAL OF THE AGENDA

Document: A 81-03/504.2010 (Secretariat)

Informal document: INF.1 (Secretariat)

1. The meeting adopted the provisional agenda contained in invitation A 81-03/504.2010 dated 1 September 2010 with the list of documents published by the Secretariat in informal document INF.1.

ITEM 2: ELECTION OF OFFICERS

2. Mr Helmut Rein (Germany) was re-elected chairman. Mr Arne Bale (United Kingdom) was elected vice-chairman.

ITEM 3: PRESENCE AND QUORUM

3. As 18 of the 42 Member States entitled to vote were represented (see Annex IV), there was a quorum in accordance with Article 20 § 1 of the Rules of Procedure ($\frac{1}{3}$ of the Member States) and the RID Committee of Experts was able to proceed with its business.

ITEM 4: EXPLANATORY REPORT ON APPENDIX C TO COTIF

Document: OTIF/RID/CE/2010/14 (Secretariat)

4. Subject to the comments made during the meeting and any proposals received by the Secretariat within two weeks from the meeting, the RID Committee of Experts approved the Explanatory Report on Appendix C of COTIF submitted by the Secretariat, which had been revised on the basis of the RID Committee of Experts' latest decisions. The version of the Explanatory Report revised on the basis of the comments is attached in Annex II.

ITEM 5: MEASURES TAKEN BY THE ITALIAN AUTHORITIES FOLLOWING THE ACCIDENT IN VIAREGGIO (ITALY)

Document: Meeting room document from Italy ("Note concerning the actions taken by the Italian Ministry in connection with the transport of dangerous goods")

5. The chairman reminded the meeting that at the last session of the working group on tank and vehicle technology, a preliminary discussion on the measures adopted by the Italian authorities following the accident in Viareggio had had to be postponed because Italy was not represented at the meeting (see provisional report [OTIF/RID/CE/GT/2010-A], paragraphs 39 to 42 and Annex I thereto).
6. With the help of his meeting room document, the representative of Italy explained that general investigations carried out after the accident in Viareggio had revealed that in the carriage of dangerous goods, the leak-tightness of the means of containment was not always guaranteed. To improve this situation and to make sure that the provisions of RID were observed, one particular measure had been to introduce a checklist to ensure the traceability of the checks. When introducing this checklist, care had been taken not to prescribe any checks above and beyond those already required in RID. He emphasised that these checklists were only prescribed in domestic traffic; in international traffic to Italy, they were replaced by visual inspections at the border.

7. Experience gained after a trial period of three months would be analysed and if necessary, would result in proposals to the RID Committee of Experts. Annex III to this report contains the measures described by Italy in its meeting room document and the wording of the new Italian provisions.
8. Some States and non-governmental organisations questioned whether the manner in which these new measures had been implemented was in accordance with the provisions of RID Chapter 1.9 and the provisions of Directive 2008/68/EC which, among other things, require that the Member States be notified via the Secretariat of OTIF or the European Commission. If this had been done, it would also have been of advantage to the Italian approach to strengthening checks, because the other Member States would also have been able to broaden their own control activities to remedy any safety problems that might exist. The meeting particularly considered that attaching a checklist to the transport document was a new obligation, which had not been prescribed in RID up to now.
- 8a. Both States and representatives of the railways criticised the requirement for full tank-wagon inspections at the border, which in their view was likely to lead to obstacles in rail transport. They would instead have expected that any defects that were noted would be notified to the transferor railways and to the administrations responsible for them and for fillers, so that the tank-wagons could be closely monitored, and they would also welcome this in future.
9. In accordance with RID 1.8.5.2, the representative of Italy was asked to submit a final accident report or, if necessary, an interim report on the rail accident in Viareggio to the RID Committee of Experts or to the working group on tank and vehicle technology, so that they could discuss the consequences of the accident in terms of dangerous goods law and in the light of current considerations surrounding derailment detectors, and if necessary, derive measures.
10. The representative of Italy was also asked to provide the RID Committee of Experts with formal justification for the national provision to attach a checklist to the transport document and if necessary, to submit a proposal to amend RID.
11. As section 1.8.1 did not make administrative **controls on observing** provisions for the carriage of dangerous goods **mandatory**, it should be examined whether a control directive similar to the one for road transport should be developed. The European Commission should also give this consideration. Consideration should also be given to whether the checks prescribed for the carrier, which are currently only "representative checks" (see RID 1.4.2.2.1), should be systematised as in road transport.

ITEM 6: OTHER PROPOSALS

Marking of tank-wagons

Document: OTIF/RID/CE/2010/15 (Germany)

12. In his document, the representative of Germany pointed out some editorial differences in the terminology between RID 6.8.2.5.2 (all classes) and 6.8.3.5.6 (Class 2) in connection with the marking of tank-wagons. For tank-wagons for gases of Class 2, this had in various cases led to the marking being randomly positioned on the tank-wagon. He therefore proposed to amend the wording in 6.8.3.5.6 and to add a transitional provision to 1.6.3.
13. The Secretariat pointed out that the problem addressed by Germany in the English version also concerned 6.8.2.5.2, so in the English version of the document, the transitional provision had also been extended to 6.8.2.5.2.

14. The RID Committee of Experts adopted Germany's proposal, with the following amendments (see also Annex I):
- The original term "tank" was kept, because in the event of there being any insulation that is part of the tank and not part of the shell, the marking **must not be placed on the shell itself, but on the protective cladding of the insulation**, in order to be visible.
 - As one plate may not provide enough space to include all the information prescribed, several plates should be allowed, as in the existing text of 6.8.3.5.6.
 - The wording of the transitional provision was aligned with that of existing transitional provisions.
15. The representative of Germany would check whether these amendments would also have an effect on the marking of tank-vehicles and tank-containers, and would submit a proposal to the Joint Meeting if necessary.

CIT's Notice concerning the carriage of dangerous goods in passenger trains

Document: OTIF/RID/CE/2010/16 (CIT)

16. The representative of CIT submitted the CIT's revised Notice concerning the carriage of dangerous goods in passenger trains to the RID Committee of Experts. The Notice had been adapted following the revision of RID Chapter 7.7. This Notice served as an example to transport undertakings of how they could give passengers information about restrictions. He explained that it had been decided to divide the Notice into separate sections dealing firstly with hand or registered luggage and secondly with the carriage of dangerous goods in or on board vehicles (car on train), because not all transport undertakings offered a "car on train" service.
17. The chairman pointed out that it was not the task of the RID Committee of Experts officially to approve the text. In this Notice, it was correct not to reproduce the entire theoretical law, but to provide an extract that was relevant in practice.
18. The RID Committee of Experts noted CIT's revised Notice and made various suggestions to the CIT representative, who would incorporate them into a revised version of the Notice **for members of the CIT, which would be published on 1 January 2011. He would also bring this revised version of the Notice to the attention of the RID Committee of Experts.** The representative of CIT was asked to keep the RID Committee of Experts informed of any future amendments to the Notice.

1.3.2.2 – Function-specific training

Document: OTIF/RID/CE/2010/17 (Sweden)

19. In his document, the representative of Sweden pointed out that the reference to UIC leaflet 471-3 in 1.3.2.2.2 (b) led to more comprehensive training of personnel responsible for carrying out technical checks on wagons used for the carriage of dangerous goods than the training required under the obligations of 1.4.2.2.1. It should also be remembered that not all railway undertakings applied this UIC leaflet.
20. After a short discussion, the majority of the RID Committee of Experts was in favour of proposal 1, i.e. to include a reference to the requirements of 1.4.2.2.1, which in turn allowed UIC leaflet 471-3 to be applied. The existing text in brackets ("only for personnel who perform the checks described in RID 1.4.2.2.1") was maintained (see Annex I).

Affixing placards and orange-coloured plates to wagons and swap-bodies

Document: OTIF/RID/CE/2010/18 (Sweden)

21. In his discussion paper, the representative of Sweden pointed out some differences in how placards and the orange-coloured marking are affixed. These had arisen as a result of accepting the marking provisions of ADR in piggyback transport.

Definition of orange-coloured plates without hazard identification number and UN number in RID

22. In his first point, the representative of Sweden pointed out that in RID, there is no provision equivalent to ADR 5.3.2.2.1, according to which in some cases, orange-coloured plates without a hazard identification number and UN number are permitted, although from 1 January 2011, these plates may also be used in piggyback transport.
23. The RID Committee of Experts did not consider it necessary to include a similar provision in RID, because for carriage in a transport chain including a sea leg, 1.1.4.2.1 also permitted markings in accordance with the IMDG Code, which are not defined in RID. RID 1.3.2.2 was considered sufficient in this context; it prescribes that where the carriage of dangerous goods involves a multimodal transport operation, personnel must be made aware of the requirements concerning other transport modes.

Placarding of swap-bodies

24. In a separate point, the representative of Sweden noted that in rail transport, there were different requirements for placarding, depending on whether a swap-body containing packages is carried in combined transport or on a trailer in piggyback transport.
25. Looking back to the past, the chairman explained that with regard to the placarding of swap-bodies, there had been different views in WP.15 and the RID Committee of Experts. While the RID Committee of Experts had always been of the view that a swap-body, which is considered as a container in accordance with the definition in 1.2.1, should be marked like a container, in WP.15 the road transport associations had succeeded in implementing simplified marking for swap-bodies. However, according to the Note to ADR 5.3.1.2, these simplified conditions did not apply to swap-bodies carried in combined road/rail transport and according to the Note to ADR 5.3.1.3, did not apply to carrying vehicles on which swap-bodies were carried in combined road/rail transport. He pointed out that amending the marking provisions in RID for swap-bodies would again lead to a difference from the marking provisions for containers.
26. While some delegations did not consider it necessary again to align the marking provisions of RID with ADR and requested justification in terms of safety, other delegations were of the view that an orange-coloured blank marking might also generally be sufficient in rail transport, as the information from the placards was already available by other means, including the obligation to provide the infrastructure manager with information.
27. The representative of Austria said that it was necessary to remove an ambiguity that would exist from 1 January 2011. This ambiguity had arisen because although in accordance with RID 1.1.4.4.2 (a), swap-bodies carried on trailers only had to be marked with the orange-coloured blank marking, according to the Note to ADR 5.3.1.2 and 5.3.1.3, this simplified marking was not permitted in combined road/rail transport and hence not in piggyback transport either, so the marking provisions for containers had to be applied.

28. Together with representatives of other interested States, the representative of Sweden was asked to submit a text proposal to the next session of the RID Committee of Experts. The proposal should take into account the overall system of RID 5.3.1, in conjunction with the Notes to ADR 5.3.1.2 and 5.3.1.3. Besides the option of generally allowing orange-coloured blank markings on swap-bodies, another option that could be proposed would be to permit orange-coloured blank markings for swap-bodies carried on trailers in piggyback transport, and subsequently to align the ADR Notes referred to.
29. If the result of the RID Committee of Experts' decision in November 2011 was that the Notes in ADR could be amended, this decision should be communicated to the 92nd session of WP.15 in May 2012.

RID 5.4.1.2.2 (d)

Document: OTIF/RID/CE/2010/19 (UIC)

30. In his proposal, the representative of UIC asked the RID Committee of Experts to verify whether the provision in 5.4.1.2.2 (d) (information on the earliest time at which the safety valves will open) was fundamentally necessary and, if it were, whether it must also be applied to the carriage of empty, uncleaned tank-wagons, portable tanks and tank-containers. He recalled that at its 40th session, the RID Committee of Experts had supported keeping the entry in the transport document, but that the problem of valves opening prematurely continued to exist.
31. The discussion revealed that the aim of the rule was to ensure that the gas remained inside the tank throughout the entire transport operation, and that deleting the entry would not provide a solution. It should instead be considered whether the international system applicable to portable tanks had advantages compared with making an entry in the transport document; this system requires that a reference holding time in accordance with 6.7.4.2.8 and an actual holding time in accordance with 4.2.3.7 be determined, and that these times be indicated on the tank.
32. However, the representative of the Netherlands pointed out that the current provision, according to which the consignor has to give some consideration to the duration of the transport operation, was also of benefit to the carrier.
33. The representative of UIC was asked to prepare a new proposal for the Joint Meeting's tank working group explaining the discussion in the RID Committee of Experts and considering in more detail how the technical causes of premature discharge (e.g. defective insulation) might be remedied.

Carriage of dangerous goods in limited quantities – affixing smaller markings to wagons

Document: OTIF/RID/CE/2010/20 (UIC)

34. On the basis of 5.3.1.7.4, in his proposal the representative of UIC proposed to allow the possibility in 3.4.15 of reducing the dimensions of the limited quantity markings on wagons.
35. The representative of Sweden also saw the need to refer to the exception of 5.3.1.7.4 in 5.3.1.7.1, which contains a general description of the placards. In contrast to ADR, RID 5.3.1.7.4 did not at present contain any conditions for affixing smaller placards. For reasons of harmonisation, reducing the dimensions of markings for limited quantities should be dealt with in the Joint Meeting.
36. The chairman requested that a possible new proposal should justify which technical features of railway wagons made it **difficult** to affix normal sized placards.

Clarification of technical issues relating to the interpretation of RID

Informal document: INF.3 (UIP)

37. In his discussion paper, the representative of UIP referred to problems that arise particularly for tank-wagons as a result of the time limit for design type approvals or of their being withdrawn following amendments to technical provisions. The result of this time limit or withdrawal could be that after expiry or withdrawal of the design type approval, the tank-wagon may still be operated under any transitional provisions without being modified, but for reconstructions, which are carried out more frequently because of changing customer requirements in the tank-wagon sector, a completely new approval is required for the tank-wagon. Up to now, reconstructions had been possible on the basis of additions to the open-ended design type approvals.
38. The second problem described in UIP's discussion paper dealt with the fact that there are currently no separate design type approvals for individual parts of a tank, only a single design type approval for the whole tank and its equipment. This could cause difficulties when various parts were changed.
39. In the same way as for pressure receptacles or for the separate components of a road vehicle (see ADR 9.1.2.2), the chairman suggested introducing a system for the separate design type approval of different components.
40. As it was not possible to discuss the document in depth owing to its having been submitted late, and as this would have to be discussed in the RID/ADR/ADN Joint Meeting because of the possible consequences for tank-vehicles and tank-containers, the representative of UIP was asked to submit his proposal to the tank working group of the next Joint Meeting as an official document.
41. 1.6.3.37 prescribes that existing design type approvals must be checked by the end of December 2012 and brought into line with the provisions of 1.8.7.2.4 or 6.8.2.3.3, so this problem needed to be resolved urgently. Until then, the representative of UIP asked the Member States to deal with this matter pragmatically.

ITEM 7: INFORMATION FROM THE EUROPEAN RAILWAY AGENCY (ERA)

Informal document: INF.2 (ERA)

Derailments

42. The representative of ERA reported that in the context of the studies on the detection of derailments, the contractor, Det Norske Veritas (DNV), was now collating the safety measures implemented by various railway undertakings and infrastructure managers to prevent derailments or to mitigate the effects of a derailment. Information on all the products available on the market was also being gathered.
43. The chairman reminded the meeting that the decision to introduce derailment detectors had been postponed at the request of the European Commission and that the European Commission would have to enable the RID Committee of Experts to take a decision by November 2011 so that it could be taken into account in the 2013 edition of RID. He emphasised that it was important that DNV also obtain information from those who had dealt extensively with issues surrounding derailment detection in the past (e.g. Knorr-Bremse, UIC railway undertakings and those who used derailment detectors on a voluntary basis (SBB, Wascosa)). Accident investigations should also be encompassed (e.g. the derailment of a train with tank-wagons containing chlorine on 28 February 2005 in Ledsgård (Sweden), the rail accident in Viareggio).

44. The representative of ERA explained that **the study results should be available by June 2011. This input would be used by ERA to prepare an impact assessment and a recommendation which should be addressed to the European Commission by March 2012, in accordance with the initial planning (see informal document INF.9 of the 47th session of the RID Committee of Experts).**
45. The representative of UNIFE pointed out that according to information received from Wabtec MZT in Macedonia, it had obtained UIC approval for its own derailment detector, which was very similar to the one produced by Knorr-Bremse.
46. The representative of ERA was asked to present the interim results of the study at the next meeting of the working group on tank and vehicle technology planned for October 2011.

Telematics task force

47. The representative of ERA explained that ERA participated in the telematics task force set up by the European Commission's RISC Committee and that ERA had informed the task force about the initial results of the Joint Meeting's working group on telematics, which could **potentially be relevant for the revision** of the TSI TAF (Telematic Applications Freight).
48. The provisional draft revised TSI TAF should be available by the end of April 2011, and the final revised version by the end of October 2011.
49. The chairman requested that a member of the task force should take part in the next meeting of the Joint Meeting's telematics working group in order to provide information from the task force.

Entities in Charge of Maintenance

50. The representative of ERA informed the RID Committee of Experts about a system of certification that **it had decided to introduce** for Entities in Charge of Maintenance and about a draft European Regulation in this area.
51. As a result of the discussion, the representative of ERA was asked to provide the next session of the RID Committee of Experts with brief information on whether the certification system would entail any consequences for undertakings that maintain tank-wagons on the basis of RID. If this were the case, a rule would have to be included in RID. By introducing quality assurance systems, quality requirements could be set up for the tanks of tank-wagons that were similar to those that already apply to packagings, IBCs and pressure receptacles.
52. The chairman thanked the representative of ERA for his information. The representative of ERA asked the Member States to send him requests, via the OTIF Secretariat, concerning the subjects the information should cover. In this context, the representative of Switzerland requested information on cooperation between the European Commission and OTIF in order to ensure harmonisation of the rail system beyond the European Union.

ITEM 8: ANY OTHER BUSINESS AND CLOSURE OF SESSION

Submission of documents

53. The representative of CEFIC expressed dissatisfaction that some documents had only been submitted shortly before the session, which meant that it had not been possible to coordinate CEFIC's position internally.
54. The Secretariat pointed out that strictly speaking, in accordance with Article 11 § 3 of the Rules of Procedure, this session of the RID Committee of Experts should have been cancelled, because only a single document had been submitted on time.

55. The RID Committee of Experts was of the view that by comparison with other bodies in the dangerous goods area, a short submission deadline of six weeks before the start of the session should be maintained, but that it was not worth setting a deadline for informal documents.
56. To make it easier to plan the session of the RID Committee of Experts, the Secretariat would write to the Member States two weeks before the provisional agenda for the next session was sent out and ask for information on anticipated documents. The Secretariat would also submit a proposal to the RID Committee of Experts to amend the Rules of Procedure in this respect.

Departure of Mrs Linda Becker (Luxembourg)

57. The chairman thanked Mrs Linda Becker (Luxembourg) for organising this session and expressed his regret that she was leaving the dangerous goods work after such a short time in order to take up new duties in the Ministry of Transport of Luxembourg. On behalf of the RID Committee of Experts, he wished her happiness and satisfaction in her new post.

Departure of Mr Michel Lambermont (Belgium)

58. The chairman thanked Mr Michel Lambermont (Belgium) for his more than seven years work in the RID Committee of Experts and for his contributions, which had not been restricted solely to RID, but had dealt with rail safety in general.

Departure of Mr Franz Braun (Germany)

59. The chairman thanked Mr Franz Braun (Germany) for the numerous documents he had submitted and for the many years of practical experience he had brought to the RID Committee of Experts.

Departure of Mr Max Krieg (CIT)

60. The chairman thanked Mr Max Krieg (CIT) for having accompanied the work of the RID Committee of Experts for more than twenty years, during which he had always brought clarity to the implications for other branches of the law, thus contributing to the success of RID.
61. On behalf of the RID Committee of Experts, the chairman wished Mr Lambermont, Mr Braun and Mr Krieg a happy and healthy retirement.

Next session

62. The 50th session of the RID Committee of Experts will be held from 21 – 25 November 2011 in Sweden.

Thanks

63. The chairman thanked the Luxembourg delegation for organising this meeting. He thanked the interpreters and the Secretariat for their excellent work.

Texts adopted by the 49th session of the RID Committee of Experts

1.3.2.2.2 (b) Amend the second indent to read as follows:

"– carrying out the checks described in 1.4.2.2.1 (only for personnel who perform the checks described in 1.4.2.2.1);".

[Reference document: OTIF/RID/CE/2010/17 as amended]

1.6.3 Insert a new transitional provision as follows:

"1.6.3.xx Tank-wagons constructed before 1 January 2013 in accordance with the provisions in force up to 31 December 2012, but which do not meet the marking provisions in accordance with 6.8.2.5.2 and 6.8.3.5.6 applicable as from 1 January 2013, may continue to be marked in accordance with the provisions applicable until 31 December 2012 until the next periodic inspection after 1 January 2013."

[Reference document: OTIF/RID/CE/2010/15 as amended]

6.8.2.5.2 In the introductory sentence in the left-hand column, replace "of the tank-wagon itself or on a plate" with:

"of the tank-wagon (on the tank itself or on plates)".

[Reference document: OTIF/RID/CE/2010/15 as amended]

6.8.3.5.6 **In the introductory sentence in the left-hand column,** replace "or on plates" with:

"(on the tank itself or on plates)".

[Reference document: OTIF/RID/CE/2010/15 as amended]

Explanatory Report to Appendix C of COTIF revised by the RID Committee of Experts**Regulation concerning the International Carriage of Dangerous Goods by Rail (RID)****Explanatory Report¹****General Points**

1. The first international regulation of the carriage of dangerous materials and objects was contained in § 1 of the Regulatory Provisions for the Implementation of the Bern International Convention of 14 October 1890 concerning the Carriage of Goods by Railway, and their Annex 1. The provisions of that Annex concerned only conditions of contract of carriage imposed on the consignor of the dangerous materials and objects concerned. The objective was to maintain the safety of persons and property in rail operation. The legal consequence, in the case of non-compliance with the conditions, consisted in the possibility of the railway refusing carriage, despite the obligation to carry which existed in principle. According to the judicial situation at that time, however, the railway was not prohibited from carrying such goods. Rather, at the time of conclusion of a contract of carriage, it could require the consignor to comply with his obligations under civil law ensuing from these special conditions of carriage and, if need be, claim compensatory damages.
2. In the course of the revisions of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID), the emphasis has changed, more or less unnoticed: a regulation with a content that came under private law has changed to become safety regulations which are now, instead, classified as regulations under public law.
3. An essential problem of the RID system before the first restructured version in 2001 lay in the fact that, according to marginal note 1, indent (1), it constituted the implementing regulation of Article 4, letter d), and of Article 5, § 1, letter a) of the CIM Uniform Rules 1980. The scope of application of RID thus depended, in principle, on the scope of application of the CIM Uniform Rules. From this, there resulted three important formal restrictions:
 - RID applied only to international carriage.
 - It applied only to carriage on lines included in the CIM list.
 - Carriage had to be performed on the basis of a CIM contract of carriage covered by a CIM consignment note.

Safety regulations which serve to protect persons, the environment and goods should, however, be applicable irrespective of such formal restrictions. Now, on the basis of Directive 2008/68/EC² ~~of 24 September 2008~~ on the inland transport of dangerous goods (RID/ADR/ADN Framework Directive), the Member States of the European Union (EU) must also apply RID to the carriage of dangerous goods by rail in national traffic and to carriage between the Member States, this being irrespective of a CIM contract of carriage and the transport document used.

¹ The articles, paragraphs, etc. which are not specifically designated are those of the RID; unless otherwise evident from the context, the references to the reports on sessions not specifically identified relate to the sessions of the Revision Committee.

² [Directive 2008/68/EC of the European Parliament and of the Council of 24 September 2008 on the inland transport of dangerous goods, published in the Official Journal of the European Union L 260, 30 September 2008, p. 13.](#)

4. Substantial difficulties have arisen from the legal structure of RID in force before COTIF 1999 in the context of the carriage of empty tank-wagons, empty tank-containers as well as empty wagons and empty small containers for bulk goods, these uncleaned wagons and containers, belonging to the railway, having contained dangerous goods. Such carriage was performed by the railway without the conclusion of a CIM contract of carriage and was thus not subject to RID. This problem was resolved transitionally by an additional uniform rule of railways (Additional Uniform Rule No. 2, of railways, to Article 28 CIM 1980), a provision which imposes on the consignee of the preceding "carriage with load" certain obligations in order to guarantee safety in the subsequent "carriage without load".
5. The CIM contract of carriage commences with the acceptance of the goods for transport with the consignment note and ends with the delivery of the goods. The loading and unloading activities are frequently performed outside this timeframe, particularly in the carriage of wagon loads. The typical dangers associated with the carriage of dangerous goods are thus not limited by the duration of the contract of carriage. The obligations which now ensue from RID no longer apply solely to the parties to the contract of carriage (consignor, consignee and carrier). A concrete example of this are the stipulations relating to gas ~~recuperators return~~ (gas ~~return~~ compensation pipe), which create obligations for the ~~loader~~ filler and the unloader, even when the latter are not directly involved as a consignor or consignee in the contract of carriage.
6. From the legislative point of view, the RID which was in force up to 31 December 2000 was inadequate. This was because, as a general rule, it did not clearly indicate the persons to whom the various obligations applied. In the interest of safety, it was desirable to stipulate more clearly in RID itself to whom the various obligations contained in RID are applicable.
7. On the basis of a detailed presentation of the areas in which the constitution and current methodology of RID give rise to difficulties, in 1992 the Central Office conducted a survey of the Member States, seeking their opinion with regard to a possible restructuring of RID. Of a total of 20 States which responded, 17 declared themselves in favour of the restructuring proposed by the Central Office. On the basis of this result, the Committee of Experts on the Carriage of Dangerous Goods by Rail (RID Committee of Experts), in its twenty-ninth session (22 – 26 March 1993), instituted a working group under the chairmanship of Austria. In its sixth session (28 – 31 October 1996), this working group completed the second reading of the basic document of 10 September 1993 compiled by its chairman in agreement with the Central Office. The result of this work, including the explanatory report on it, was submitted to the Fourth General Assembly (Athens, 8 – 11 September 1997) as an information document (General Assembly) AG 4/3/3 of 1 July 1997. It was noted by the General Assembly (Final Document, No. 7.2).
8. The basic concept provided for the creation of a separate Appendix C to COTIF (= RID), this Appendix C to be composed of both a "legal" section and a "technical" annex. The Technical Annex was to be constituted in accordance with the results of the work aimed at restructuring RID/ADR in a user-friendly form.
9. The objective of the restructuring of the Technical Annexes of RID and of the European Agreement on the International Carriage of Dangerous Goods by Road (ADR) was to standardise the structure both of the provisions which are common to all modes of transport and of the provisions which are specific to the various modes of transport, in a form which facilitates users' comprehension and application of the provisions for the carriage of dangerous goods.
10. The working group ascertained that it would be necessary to provide for uniform provisions in RID and in ADR, not only with regard to the Technical Annexes, but also with regard to the legal section, particularly for the listing of the obligations of the parties involved. Since the inclusion in the actual ADR of the content of the new Appendix C to the COTIF devised by the working group would have entailed an amendment of ADR which would have required ratification, the chairman of the working group submitted appropriate proposals by Austria to the RID/ADR Joint Meeting in January 1997. These proposals consisted in including in the general

part of the Technical Annex, not subject to ratification, from both ADR and RID, a significant portion of the restructured legal provisions of the future Appendix C, particularly the definitions and the provisions relating to the obligations of the involved parties. The RID/ADR Joint Meeting (17 – 21 March 1997) approved, in principle, this manner of proceeding. The proposal by Austria was adapted to the legal framework of ADR and of the Convention on the Contract for the International Carriage of Goods by Road (CMR), and to the structure of the Annexes of ADR, resulting in a reediting of RID texts drafted by the working group. This approach was also supported by the European Commission because it offered the advantage of being able to include in the Appendices to the RID/ADR/ADN Framework Directive, by this means, the new, restructured legal provisions and technical provisions.

11. The problem of amending the common provisions of the general part of the Technical Annexes of RID and ADR by the simplified procedure, i.e., in the case of RID, by decision of the RID Committee of Experts, as has been the case hitherto and, for the Technical Annexes of ADR, in accordance with its Article 14, is a problem which arises in essentially the same way for the two Regulations: insofar as an amendment of these provisions by the simplified procedure is acceptable to the Member States in respect of ADR, this should also be possible in respect of the parallel provisions of RID.
12. The legal provisions of a general nature which have remained from the original draft of a new Appendix C, devised by the Working Group (General Assembly document AG 4/3.3 of 1 July 1997), were examined by the Revision Committee in the seventeenth session (4 May 1998). They were initially adopted on an indicative basis only, due to the fact that a quorum had not been achieved (18 of the 39 Member States of OTIF were represented). From the content point of view, these provisions represent the strict minimum for giving a legal basis to the "Technical" Annex of Appendix C.
13. In the nineteenth session, the Revision Committee decided, in the deliberations relating to COTIF, Basic Convention, that the RID Committee of Experts would be competent not only with regard to decisions relating to the "Technical" Annex to Appendix C, but also with regard to the proposed amendments of Appendix C itself (Report, p. 77). This is not without importance in view of Article 2 (exemptions) (see No. 3 of the remarks relating to Article 2). The text adopted by the Revision Committee nevertheless provides that one third of the States represented in the Committee may request that the proposed amendments be submitted to the General Assembly for decision (Article 33, § 5 COTIF). See also the remark in No. 19.
14. In the twentieth session (1. September 1998), in the second reading, the Revision Committee, with the necessary quorum, completed the deliberations concerning the new Appendix C (RID – without the "Technical" Annex).
15. Despite the agreement in principle by the RID/ADR Joint Meeting in March 1997 to establish the definitions and the obligations of the different parties involved in the carriage of dangerous goods in the so-called Technical Annexes of RID and ADR (see No. 10), the texts drafted to this end by the Working Group were called into doubt many times (see the reports on the following meetings: RID/ADR Joint Meeting, September 1997, Bulletin 1997, p. 336; Ninth Session of the Working Group, October 1997, Bulletin 1997, p. 338; Tenth Session of the Working Group, January 1998, Bulletin 1998, p. 41; RID/ADR Joint Meeting, March 1998, Bulletin 1998, p. 80; Eleventh Session of the Working Group, 19 May 1998, Bulletin 1998, p. 148). With the exception of just a few points which remained in abeyance, the texts in question, in the first part of the Annexes to RID and ADR, were finally adopted by the RID/ADR Joint Meeting in September 1998. The points which remained in abeyance, particularly the definitive determination of the obligations of the different involved parties, were again the subject-matter of deliberations within various other working groups. All the texts, however, had still to be formally decided: with regard to RID, by the RID Committee of Experts and, with respect to ADR, by the competent body of the UNECE.

16. The restructuring of the Technical Annex for the purpose of facilitating its application by the user involved a substantial workload. Insofar as the "Technical" Annex includes provisions whose adoption and amendment come within the exclusive remit of the RID Committee of Experts, this work did not affect the timetable scheduled for the work within the framework of the preparation of the decisions of the Fifth General Assembly. Since all the work on the restructuring of the Annex of Appendix C was not finally completed until after the Fifth General Assembly, but also because of the volume of the texts of this Annex, the legal solution chosen was the same as that accepted in the revision of the CIV and CIM Conventions in 1980.
17. It was planned that the work relating to the restructuring centred on the users of the "Technical" Annex to Appendix C should be completed by the end of 1999, after a total of 15 one-week sessions of the Working Group commissioned with the restructuring, so that the date of entry into force, 1 January 2001, could be met. That was also the date planned by the UNECE for the amendments to ADR and by the IMO for the amendments to the IMDG Code.
18. The Fifth General Assembly (26 May – 3 June 1999) adopted, without amendment, the texts decided by the Revision Committee (Report, p. 182/183).
19. In the context of the "plenary competence" of the RID Committee of Experts with regard to the amendments of the whole of Appendix C, confirmed by the Fifth General Assembly, there was a certain interest in the suggestion by Belgium, CIT and UIC submitted to the Fifth General Assembly, according to which "the questions of liability of the future RID must come within the scope of competence of the Revision Committee and not within that of the RID Committee of Experts". The Central Office had always been of the opinion that legal questions should come within the scope of competence of the Revision Committee. However, it was unable to persuade the majority of the Member States (for more details, see General Assembly document AG 5/3.16 of 1 May 1999).
20. At its 47th session (Sofia, 16 – 20 November 2009) and 48th session (Berne, 19 and 20 May 2010), the RID Committee of Experts adopted amendments to Articles 1, 3 and 5 of Appendix C. These were necessary firstly because of the accession of the Russian Federation to CO-TIF, which took effect on 1 February 2010, and secondly because of amendments to the provisions on the carriage of dangerous goods as hand luggage, registered luggage and in and on board motor vehicles; (see the amendments to the Articles concerned in the Explanatory Report).

In particular

Article 1 Scope

1. The term "international" has not been defined. In any case, it is necessary that the carriage is performed on the territory of at least two Member States. Moreover, the applicability of RID does not depend on the fact of the carriage being subject or not subject to the CIM Uniform Rules (see Nos. 3-5 of the General Points).
2. In addition to the carriage proper, the scope of application also includes all the activities provided for by the Annex, particularly the operations of loading and unloading of dangerous goods. In Part 1 of the Annex, General Provisions, the term "carriage" is defined substantively and independently of the contract of carriage, namely, as the change of place of dangerous goods, including stops made necessary by transport conditions and including any period spent by the dangerous goods in wagons, tanks and containers made necessary by traffic conditions before, during and after the change of place. The term "carriage" also covers the intermediate temporary storage of dangerous goods in order to change the mode or means of transport (transshipment).

3. § 1, letter b) regulates, in particular, the problem of complementary carriage on maritime routes. In this context, the carriage of tank-wagons ~~on short maritime routes in traffic with the United Kingdom and Ireland, and~~ on the Baltic Sea ferries, assumes a particular importance. In ~~the every~~ case of complementary carriage by road or by inland waterway, ADR and ADN will always ~~have primacy over RID with regard~~ apply to the ~~other means of transport used transport operation with the respective mode~~, even if there is only one contract of carriage.
4. The IMDG Code does not currently contain any special provisions for the above-mentioned carriage of tank-wagons. ~~For this reason, the authorities of the States concerned (Belgium, France, Ireland and the United Kingdom) have agreed supplementary provisions concerning the carriage of dangerous goods on the maritime routes between the United Kingdom and the Continent or Ireland. A similar regulation is contained in the~~ The so-called Memorandum of Understanding contains rules concerning carriage on the Baltic Sea.
5. Insofar as the IMDG Code will not in future create special provisions for the carriage of rail wagons mentioned above – which is unlikely, at least – it is necessary to have available a legal regulation, to which the Annex of Appendix C lends itself very well. Since 1 January 2004, the IMDG Code has been a mandatory component of the 1974 International Convention for the Safety of Life at Sea (SOLAS), and hence mandatory international law. For this reason, the special provisions of RID must not be contrary to these provisions of maritime law; they could, however, complement them. Consequently, and in consideration of future maritime law in particular, the text adopted by the Revision Committee includes a reservation with regard to the provisions that are applicable to carriage with other transport modes (Report on the Twentieth Session, First Meeting, p. 2/3).
- 5a. The opportunity the Member States have in accordance with the first sentence of Article 42 § 1 of COTIF 1999 to make declarations not to apply in their entirety certain Appendices to the Convention meant that it was necessary in the provisions of certain Appendices to differentiate between Member States that apply this Appendix and Member States that have made a declaration not to apply this Appendix. In Appendices F (APTU) and G (ATMF), a special term was introduced – "Contracting State" – which means a Member State that has not made a declaration not to apply the Appendix concerned. As the Russian Federation acceded to OTIF with effect from 1 February 2010 and made a declaration not to apply Appendix C (RID), so that RID does not apply in all the Member States of OTIF, the need also arose for RID to differentiate. Therefore, by analogy with APTU and ATMF, the term "RID Contracting State" was defined (see explanations on Article 1bis) and in paragraph a, "Member States" was replaced with "RID Contracting States".
6. § 2, in alignment with similar texts in ADR and ADN and in the EU's RID/ADR/ADN Framework Directive, includes the prohibition of the carriage, in international rail traffic, of dangerous goods whose carriage is prohibited by RID. This statement is in the interest of legal clarity.

Article 1bis

Definitions

This Article contains the new definition of "RID Contracting State". For the justification, see paragraph 5a of the comments on Article 1.

Article 2

Exemptions

1. This provision, like the analogous provision in ADN, states that the Technical Annex can make provision for certain exemptions. Such provisions are included in RID 1.1.3. According to 1.1.3, the provisions of RID do not apply to the following categories of carriage, among others:
 - a) carriage of dangerous goods performed by private individuals when the goods in question are packaged for retail sale and intended for their personal or domestic use or for their lei-

sure or sporting activities;

- b) carriage of machinery or equipment not specified in RID which happen to contain dangerous goods in their internal or operational equipment;
- c) carriage undertaken by enterprises which is ancillary to their main activity, such as deliveries to or returns from building or engineering sites, or in relation to surveying, repairs and maintenance in limited quantities;
- d) carriage undertaken by the competent authorities for the emergency response (e.g. police and fire brigade) or under their supervision;
- e) emergency transport intended to save human lives or protect the environment, provided that all measures are taken to ensure that such transport is carried out in complete safety.

2. The Revision Committee decided not to include in the text of the present Appendix C a restrictive list of the types of carriage which can be exempted. Instead, it insisted on stipulating expressly that exemptions are admissible only if the safety of the carriage is guaranteed (Report on the Twentieth Session, First Meeting, pp 3-5).

~~3.—The reference to the Annex with regard to cases of exemption or their extent is problematical. The amendment of the cases which are provided for in the Annex (e.g. their extension) comes within the scope of competence of the RID Committee of Experts. According to Article 33, § 5 of COTIF, this same Committee is also competent with regard to the amendments of Article 2 of RID. The restriction of the mandate of the RID Committee of Experts with regard to the amendment of the Annex of RID, sought by the Revision Committee, is only partially achieved with the regulation as decided upon (but see No. 13 *in fine*, as well as No.19 of the General Points).~~

Article 3 Restrictions

1. Following the example of Article 4, § 1 of ADR and Article 6 of ADN and the analogous provisions in the RID/ADR/ADN Framework Directive of the EU, RID also stipulates that each Member RID Contracting State has the right to regulate or prohibit the carriage of dangerous goods by rail for reasons other than safety during carriage, insofar as this is not already provided by the provisions of the Annex.

~~2.—In the course of the revision work, a representative of the railways emphasised several times the importance of railways being rapidly informed of the measures taken by the Governments, in order to guarantee problem-free carriage of dangerous goods by rail. In this context, it was recalled that, with the withdrawal of the obligation to carry from the new CIM Uniform Rules, Article 3, § 4 of the CIM Uniform Rules 1980 and the obligation to provide notification, which is also provided for in the regulation, was withdrawn.~~

~~3.2.~~ For the reasons why "Member State" was changed to "RID Contracting State", see paragraph 5a of the comments on Article 1.

Article 4 Other prescriptions

Due to the removal of the legal link between RID and the CIM Uniform Rules, the Working Group and the Revision Committee considered that it was necessary to draw express attention to the fact that, in addition to RID, the general provisions relating to carriage by rail were also applicable. A comparable provision is contained in Article 5 of ADR and Article 9 of ADN.

Article 5

Type of trains allowed. Carriage as hand luggage, registered luggage or in or on board motor vehicles

1. Since, following the decisions of the Revision Committee and the Fifth General Assembly concerning the CIM Uniform Rules, the current Annex IV (RIEx) to CIM 1980 has been withdrawn, it was necessary to mention this type of carriage in the "legal" part of the RID, this type of transportation being subject to special provisions in RID. This relates to the carriage of small quantities of dangerous goods which may exceptionally be carried in passenger trains instead of goods trains.
2. The prohibition, contained in Article 18 of the CIV Uniform Rules 1980, on the carriage of dangerous substances and objects as luggage was closely linked to the obligation to carry, according to Article 4 of the CIV Uniform Rules 1980. In the CIV Uniform Rules 1980, the prohibition on the carriage of dangerous goods was worded in a much more general manner than is the case in the provisions of RID.
3. The carriage of dangerous goods as hand luggage, registered luggage or in or on board motor vehicles ~~in car-sleeper trains~~ (car on train), in accordance with Article 12 of the CIV Uniform Rules in the version adopted by the Fifth General Assembly, represents an exception, necessary in practice, from the obligation to carry dangerous goods solely in goods trains.
4. Article 12, § 4, in combination with Article 14 of the CIV Uniform Rules, in the version adopted by the Fifth General Assembly, obliges the passenger to comply with the corresponding provisions of RID. The passenger is liable to the carrier for all damage resulting from non-compliance with this obligation (see remarks relating to Articles 12 and 53 of the CIV Uniform Rules, General Assembly document AG 5/3.4 of 15 February 1999). The problem of how best to make passengers aware of these provisions concerning dangerous goods, e.g. in the form of notices in stations or in the form of brochures, has to be distinguished from the question of how the legal provisions are drafted. A presentation which is easily understandable and generally accessible will be of particular importance.
5. Article 5 sets out the general principle according to which such carriage is permitted only when subject to the special conditions of RID. The details with regard to quantities, packagings, inscriptions, etc., as well as the special provisions for dangerous goods used in connection with a medical treatment, for example (e.g. gas cylinders) must be regulated in the Annex of RID.
6. The amendment to the heading of the Articles from "on board motor vehicles" to "in or on board motor vehicles" was made to align with the definition in Article 3 d) of CIV and Article 12 § 4 of CIV.
7. The amendments to § 1 b) were made to align with Article 12 § 4 of CIV and to make the correlation with this provision clear.
8. The new wording of § 2 was aligned with Article 12 § 4 of CIV, where the passenger is not shown as the addressee.

Article 6

Annex

This provision serves the purpose of legal clarity and allows editorial simplification (Report on the Twentieth Session, First Meeting, p. 7).

Note concerning the actions taken by the Italian Ministry in connection with the transport of dangerous goods

1. The accident that occurred in Viareggio on 29 June 2009 threw light on the problem of safety in the transport of dangerous goods by rail.

General measures by Italy's Minister of Infrastructure and Transport

2. In order to reinforce safety checks, on 29 July 2009 the Minister of Infrastructure and Transport prepared a general note on the basis of which the "Ferrovie dello Stato" group must commit itself to strengthen its monitoring activities and take measures to reduce the risks in connection with the transport of dangerous goods by rail. This must be done in tandem with other measures designed to ensure that an even better level of rail safety is observed.
3. These measures involve:
 - (a) intensifying the control activities carried out by the Italian national infrastructure manager (Rete Ferroviaria Italiana or RFI SpA) in goods terminals;
 - (b) submitting to the Ministry and the Italian NSA (national rail safety agency ANSF) documents analysing the issues surrounding rail safety, with the aim of identifying areas where the movement of trains carrying dangerous goods constitutes a major risk (particularly areas near industrial complexes, densely populated areas or places where a lot of people work);
 - (c) imposing specific internal measures on RFI SpA to prevent tank-wagons from being stabled (beyond the time strictly necessary to allow the consignee of the dangerous goods to carry out unloading operations).

ANSF provisions relating to rolling stock

4. Preliminary examinations carried out after the Viareggio accident revealed that the possible cause of the accident was a broken axle. On 26 August 2009 (prot. No. 4738/09), ANSF published provisions addressed to railway undertakings that are in possession of a rail safety certificate for the transport of goods in Italy to carry out non-destructive tests on all axles (of the same category as the broken axle) fitted to wagons permanently registered or operated in Italy and not in possession of a traceability file.

Note No. 30048 of 6 April 2010 issued by the Italian Ministry: "Reinforcement of safety checks on the carriage by rail in tanks of dangerous goods of classes 2, 3, 4, 5, 6, 8 and 9 of RID" (note followed by successive supplements and a lot of explanatory material)

5. In its capacity as competent authority for the transport of dangerous goods, the Ministry prepared a specific note (note No. 30048 of 6 April 2010) with a view to strengthening safety checks in the carriage by rail in tanks of goods of classes 2 to 9 (except Class 7). The note described the measures to be applied by all participants in the dangerous goods rail transport chain at national level. Annexed to this note was a checklist to be filled out and signed by the participants (consignor, filler, railway undertaking, unloader) with the two-fold aim of reducing the risk of allowing tank-wagons not meeting the requirements of RID to use the Italian rail network and of creating a tracking and tracing system for rolling stock.

6. This note was prepared following specific meetings and with valuable help from representatives of national industry associations and of the principal national actors working in the dangerous goods rail transport chain.
7. It confirms the importance of the checks carried out by all the actors in the transport chain and introduces a specific procedure enabling a series of checks to be traced, listed in detail, in order to reduce/eliminate the risk of allowing wagons that are not in conformity with the regulations to move on the national rail network.
8. When the note was being drafted, the Ministry endeavoured not to introduce any checks above and beyond those already prescribed in RID and to highlight (if necessary, by filling out the checklists) the checks which RID already attributes to each participant in the transport chain.
9. The adoption of a checklist – which is usual practice in operations carried out in accordance with the ISO 17000 standards – enables the provision of objective proof of the check carried out by the operator and provides a useful tool that also facilitates the performance of these activities, whilst keeping a historical record of actions carried out.
10. The initial experimental implementation phase will soon be concluded. After a period of three months, the circular anticipates feedback from operators on their experiences. These operators will be responsible for communicating to the Ministry any observations and/or criticisms they might have.
11. The reports received are currently being examined by the Ministry, which intends to re-examine the note, which will again be looked at in specific meetings with all the participants concerned. This first step in applying the checklist has therefore enabled numerous cases of "non-conformity" to be flagged up. The most frequently observed defects are as follows:
 - elements outside the tanks (orange-coloured plates and placards), which are often missing or are not completely in accordance with the regulations;
 - defects resulting from wear and tear of the wagons and tanks, partly determined by their age and partly by a systematic lack of checks and inspections by operators in terms of maintenance/repair/periodic refurbishment. Consequences: dangerous goods leakages, missing or sheared off electrical connections, missing flanges, threaded caps and bolts;
 - inability quickly to move tank-wagons that cannot be used for transport, but which need to use the rail network temporarily to reach repair workshops (wagons that remain stabled in a dangerous manner for long periods of time).
12. The comments received have demonstrated the effectiveness of the Ministry's note (which, without introducing any new checks, enables the objectives to be achieved) and have enabled the identification of situations in which the regulations have not been observed, which were not really systematically detected previously. The aim of this action is to prevent the possible occurrence of other serious accidents.
13. The Ministry's note applies to the carriage of dangerous goods in Italy. With regard to transport from abroad into Italy, the aim of the note is to endorse (in general) the substance of the checks and inspections already prescribed in RID in order to maintain the safety principles referred to above.
14. For reasons of efficiency and speed, when the railway undertaking begins hauling at the border upon entering Italy, it is always required to carry out a visual inspection of the wagons and tanks and to check for dangerous goods leaks, check the integrity of the equipment and examine the documentation.

15. The aim of these essential checks is to make sure that the safety principles that have been taken over, and which are at the core of the action taken by the Italian Ministry, are not abandoned.
16. The Italian Ministry is therefore fully aware of the need for this process and of its effectiveness, and also emphasises the absolute necessity for all the OTIF Member States to take joint action in this respect.
17. Indeed, as announced in the note, the Ministry intends to disseminate Italy's experience, which is still ongoing, throughout the OTIF area.
18. The Ministry's note is therefore being revised on the basis of information received from the operators. In this respect, it will be noted that the operators themselves have made some specific proposals, which will have to be added to the checklist to differentiate (for example) between the role of the filler and that of the consignee.
19. In line with all the checks and inspections required in RID, there is a need to highlight that the checklist should be able to develop towards making the necessary distinction between the checks prescribed at each stage (acceptance, loading/unloading and delivery of the tank-wagons), bearing in mind the fact that the temperature and pressure conditions during transport may differ from those at the time of loading.
20. The revised version of the note will of necessity need to achieve a balance between the obligation to maintain a high level of systematic checks and the free movement of goods, without creating excessive obstacles. Developing the document might therefore lead to simplified procedures by adopting a unique checklist for a block train, and not necessarily for a single wagon, and by requiring that all the checks to ensure compliance with RID carried out by foreign operators are accepted when they are properly attested by a similar checklist.
21. This is why the Italian Ministry considers that pursuing the safety objective which is achieved by applying the principles based on the provisions of RID can be intensified thanks to the provisions set up at national level by means of Note No. 30048.
22. Dangerous goods are often carried multimodally. The Ministry intends to broaden the provisions introduced by the note concerning the railways to the other transport modes by adapting them to the specific features of each mode.



Ministry of Infrastructure and Transport

MAIN DEPARTMENT FOR TRANSPORT, SHIPPING,
INFORMATION AND STATISTICAL SYSTEMS

Directorate-General Rail Transport

Div. 5

**Strengthening safety measures for the carriage by rail in tanks
of dangerous goods of Class 2, Classes 3 to 6 and Classes 8 and 9 of RID**

This circular is intended for

1. The National Rail Safety Agency (ANSF);
2. The main participants (1.4.2 RID)
 - 2.1 Consignor;
 - 2.2 Carrier (railway undertaking);
 - 2.3 Consignee (unloader);
3. The other participants (1.4.3 RID)
 - 3.1. Filler;
 - 3.2. Tank or tank-wagon operator (undertaking on whose behalf the tank is approved for carriage);
 - 3.3. Railway infrastructure manager.

Without prejudice to the provisions and obligations imposed by the application of RID, this circular contains operating directions.

1. NATIONAL RAIL SAFETY AGENCY

The National Rail Safety Agency:

- a. shall inform ERA and the competent national safety authorities of incidents involving tanks that are not approved in Italy, so that suitable measures can be taken;
- b. shall continue cooperation with the main department for public safety⁴, which has already started, and shall strengthen such cooperation in order to obtain synergies and facilitate the exchange of information of mutual interest; its experts shall provide training courses on subjects specific to the railways for members of the railway police, including training on the carriage of dangerous goods;

³Original text in Italian.

⁴ Of the Italian Ministry of the Interior (translator's note)

- c. shall, under the supervision of the Agency, the ASSOFERR⁵ Association and the user associations, develop and implement a training programme for non-railway staff who deal with tanks;
- d. shall develop and implement a programme to keep a check on railway undertakings that are certified to carry dangerous goods, including random inspections of rolling stock, particularly tanks.

2.MAIN PARTICIPANTS

2.1 Consignor

The consignor shall ensure that the obligations of the procedure which are assigned to him in accordance with Appendix 1 are carried out.

2.2 Carrier

The carrier:

- a. shall increase the visual inspections of tanks during carriage. The aim of this course of action is to determine whether the prescribed test and inspection intervals ensure that the required safety standard is maintained and whether there are any weak points that must be subjected to a special inspection. More inspections must be carried out both on tanks arriving from abroad and on tanks in trains composed in Italy;
- b. shall produce a plan of measures or develop organisational measures to ensure a quick and reliable flow of information with the other participants, including the tank operator, when irregularities occur.
- c. shall nominate people responsible for stations at which stops are made. The duties of these responsible persons shall include:
 - I. providing the infrastructure manager with all information with respect to the undertaking's activities in relation to the carriage of dangerous goods that is useful and necessary for preparing the organisational measures;
 - II. implementing the special agreements with the consigning and receiving undertakings, as prescribed in the Ministry of the Environment's decree of 20.10.1998, the aim of which is to ensure that the departure of the transport units and/or wagons is registered, and that delivery of the transport unit and/or wagons is confirmed;
 - III. setting up control procedures and deciding on how the visual inspection is carried out, in which every wagon shall be inspected before departure to ensure that it is intact and suitable for operation;
 - IV. observing the prescribed safety provisions, particularly those concerning the waiting time of dangerous goods wagons in transshipment facilities;
 - V. checking whether the consigning/receiving undertakings have observed the provisions prescribed in the Ministerial decree of 20.10.1998 (provision of portable gas warning devices and materials to contain and absorb dangerous liquids, and setting up control procedures and deciding how the visual inspection is carried out, in which every wagon shall be inspected before being released to ensure that it is intact and suitable for operation);
- d. shall ensure that the obligations of the procedure which are assigned to him in accordance with Appendix 1 are carried out.

⁵ Italian Association of wagon owners, conventional operators, intermodal operators, last-miles operators and private RUs; member of the International Union of Private Wagons UIP (translator's note)

2.3 Consignee

The consignee shall ensure that the transport documents and accompanying checklists in accordance with Appendix 1 are kept for at least four years.

3. OTHER PARTICIPANTS

3.1 Filler

The filler shall ensure that:

- a. the obligations of the procedure which are assigned to him in accordance with Appendix 1 are carried out;
- b. procedures are established to ensure a quick and reliable flow of information with the tank operators when irregularities occur.

3.2 Tank operator

The tank operator:

- a. shall identify the participants who are subject to the provisions of RID;
- b. shall establish the manner in which data on damage in connection with tank maintenance, including after accidents, is collected;
- c. shall ensure identification of the participants and procedures that enable him to make sure that the repairs have been carried out so as to allow operations to continue;
- d. shall establish a system to administer non-compliance with quality requirements for his own tanks. This system shall set out responsibilities, notification procedures, the determination and carrying out of corrective measures and monitoring their effectiveness; where non-operational participants are involved in this process, their responsibilities and procedural methods shall be established;
- e. shall produce and distribute an operations manual for the tanks so that it can be made available to all participants concerned.

3.3 Infrastructure manager

The infrastructure manager has the following obligations:

- a. to appoint the person responsible for the transshipment facility. This person's task is to check the emergency measures that have been put in place by the various persons responsible for the transshipment facility working for those railway undertakings that use the transshipment facility. This check shall include verifying conformity with the facility's own organisational measures. The person nominated shall also check whether the competent persons working for the railway undertaking:
 - o have all the relevant information needed to develop the organisational measures in connection with their own dangerous goods transport activities;
 - o implement the special agreements with the consigning and receiving undertakings, as prescribed in the Ministerial decree of 20.10.1998, the aim of which is to ensure that the departure of the transport units and/or wagons is registered, and that delivery of the transport unit and/or wagons is confirmed;

- set up control procedures and decide how the visual inspection is carried out, in which every wagon shall be inspected before departure to ensure that it is intact and suitable for operation;
 - observe the prescribed safety provisions, particularly those concerning the waiting time of dangerous goods wagons in transshipment facilities;
 - have checked whether the consigning/receiving undertakings have observed the provisions prescribed in the Ministerial decree of 20.10.1998 (provision of portable gas warning devices and materials to contain and absorb dangerous liquids, and setting up control procedures and deciding how the visual inspection is carried out, in which every wagon shall be inspected before being released to ensure that it is intact and suitable for operation);
- b. to establish and implement a control/inspection plan in stations at which stops are made.

Appendix 1 (to the circular on strengthening safety measures for the carriage of dangerous goods in tanks by rail)

PROCEDURES FOR USING THE CHECKLISTS TO CHECK TANKS CARRYING DANGEROUS GOODS OF CLASSES 2, 3, 4, 5, 6, 8, 9 OF RID.

The aim of the procedure is to ensure traceability of the check to ensure that the obligations according to RID Chapter 1.4 for the carriage of dangerous goods are observed.

The procedure consists of the procedural methods to be used and the corresponding checklists.

The procedures are designed differently for the various participants; they follow the course of the transport operation.

The checklists are arranged according to the product classes.

If non-compliance with the required standards is discovered while completing the checklists, the tank may only be used to continue the transport operation if the non-compliance has been rectified and the provisions have been met.

1. FILLER

1.1 The filler shall ensure that for every tank, the checklist relevant to the filler is filled out with the results of the tank filling inspection.

1.2 All fields in the checklist shall be filled out. In cases where inspection of the transport operation is not necessary, Not Applicable (NA) shall be entered in the field.

1.3 The checklist shall be signed and the original or a fax shall be sent to the consignor.

2. CONSIGNOR

2.1 The consignor shall issue the consignment note and attach it to the filler's checklist.

2.2 The documents according to 2.1 shall be handed to the carrier who is carrying the tank.

3. CARRIER

3.1 Once he has received the documents from the consignor, the carrier shall fill out the carrier's checklist with the results of the inspections carried out for carriage in tanks.

3.2 The checklist shall be attached to the consignment note for the transport operation.

4. UNLOADER

4.1 Once the tank has been unloaded for the consignee, the unloader shall fill out the unloader's checklist with the results of the inspections carried out for the carriage of empty, uncleaned tanks.

4.2 All fields in the checklist shall be filled out. In cases where inspection of the transport operation is not necessary, Not Applicable (NA) shall be entered in the field.

4.3 The checklist shall be signed and the original or a fax shall be sent to the consignor.

Checklist
FILLER/UNLOADER

FOR THE CARRIAGE OF DANGEROUS GOODS OF RID CLASS 2

Identification number of the tank-wagon or tank-container:	
Tank code:	
RID description of the goods loaded:	
UN Number:	
Hazard number:	
Class:	

	RID section	Line	Purpose of inspection	Meets the requirements			Comments		
				YES	NO	N.A.			
<input type="checkbox"/> UNLOADER <input type="checkbox"/> FILLER / <input type="checkbox"/>	1.4.3.3	a	1	The tank and its equipment are in visibly good condition.					
			2	Connections to earth are available.					
		b	3	Tank test period not exceeded.					
			4	Tank-wagon test period not exceeded.					
		c	5	The goods loaded are in conformity with the goods permitted for carriage in this tank.					
		d	6	The goods loaded may be loaded in tanks with directly adjacent tank compartments.					
		e	7	Maximum permissible degree of filling checked.					
		i	8	Maximum permissible filling mass checked.					
		g	9	No residues of the goods loaded are adhering to the outside of the tank.					
		h	10	The prescribed danger labels and orange-coloured marking have been affixed.					
		Manhole							
				11	The closure device is complete.				
				12	No product is leaking.				
		Mechanical and hydraulic bottom valves							
				13	Closing function of bottom valve checked.				
				14	Locking of bottom valves checked.				
				15	The position indicators are checked to ensure "closed" position.				
				16	Correct fitting of emergency activation screw checked.				
				17	Metal wire to open the valves is intact.				
				18	No leakage of product.				
		Side valves (bottom filling/discharge)							
				19	Safety device to protect against opening checked.				
				20	Safety seal on the safety device checked.				
		f		21	Correctly closed blank flange and/or the screw-threaded plug.				
				22	Leakage of product (correct closure position).				
		Safety valves (refrigerated liquefied gases)							
				23	Calibration seal checked.				
				24	Position of by-pass valve checked (open).				
				25	No leakage of product.				
		Valves fitted to the manhole cover (Top filling/discharge)							
		26	Closing function of valves checked.						
		27	No leakage of product.						
		28	Correctly closed blank flanges.						
		29	Valve protection fitted.						
		30	Security seal on the valves and/or on the locking device of the valve protection cover checked.						

Name/company of filler/unloader (delete if not applicable):
.....

Name of participant/acting on behalf of:
.....

Date of inspection:
.....

Full inspection (periodic/exceptional):
.....

This checklist does not relieve the various participants according to RID Chapter 1.4 from meeting their obligations in accordance with RID. Signature:
.....

Checklist
CARRIER

FOR THE CARRIAGE OF DANGEROUS GOODS OF RID CLASS 2

Identification number of the tank-wagon or tank-container:	
Tank code:	
RID description of the goods loaded:	
UN Number:	
Hazard number:	
Class:	

	RID section.	Line	Purpose of inspection	Meets the requirements			Comments	
				YES	NO	N.A.		
CARRIER	1.4.2.2	a	1	The dangerous goods to be carried are permitted according to RID.				
		b	2	The prescribed documents are available.				
		c	3	The visual inspection reveals no obvious defects, leaks or cracks, no missing pieces of equipment etc.				
		d	4	Test period of the tank not exceeded.				
		e	5	Test period of the tank-wagon not exceeded.				
		e	6	The wagons are demonstrably not overloaded.				
		f	7	The prescribed danger labels and orange-coloured marking have been affixed.				

Name/Carrier company:
.....

Name of the person who carried out the inspections:
.....

Date of inspection:
.....

Inspection (periodic/exceptional):
.....

This checklist does not relieve the various participants according to RID Chapter 1.4 from meeting their obligations in accordance with RID. Signature:

Checklist
FILLER/UNLOADER

FOR THE CARRIAGE OF DANGEROUS GOODS OF RID CLASSES 3, 4, 5, 6, 8, 9

Identification number of the tank-wagon or tank-container:	
Tank code:	
RID description of the goods loaded:	
UN Number:	
Hazard number:	
Class:	

	RID section	Line	Purpose of inspection	Meets the requirements			Comments		
				YES	NO	N.A.			
<input type="checkbox"/> FILLER / <input type="checkbox"/> UNLOADER (indicate as appropriate)	1.4.3.3	a	1	The tank and its equipment are in visibly good condition.					
			2	Connections to earth are available.					
		b	3	Tank test period not exceeded.					
			4	Tank-wagon test period not exceeded.					
		c	5	The goods loaded are in conformity with the goods permitted for carriage in this tank.					
		d	6	The goods loaded may be loaded in tanks with directly adjacent tank compartments.					
		e	7	Maximum permissible degree of filling checked.					
		i	8	Maximum permissible filling mass checked.					
		g	9	No residues of the goods loaded are adhering to the outside of the tank.					
		h	10	The prescribed danger labels and orange-coloured marking have been affixed.					
					Manhole				
				11	The closure device is complete.				
				12	No leakage of product.				
					Mechanical and hydraulic bottom valves				
				13	Closing function of bottom valve checked.				
				14	Locking of bottom valves checked.				
				15	The position indicators are checked to ensure "closed" position.				
				16	Correct fitting of emergency activation screw checked.				
				17	Metal wire to open the valves is intact.				
				18	No leakage of product.				
					Side valves (bottom filling/discharge)				
				19	Safety device to protect against opening checked.				
				20	Security seal on the safety device checked.				
		f		21	Correctly closed blank flanges and/or the screw-threaded plug.				
				22	Leakage of product (correct closure position)				
					Pressure relief valves and/or ventilation valves				
				23	No leakage of product.				
					Manifold with bottom connections for closed loop				
				24	Correctly closed blank flange and/or the screw-threaded plug.				
			Valves fitted to the manhole cover (Top filling/discharge)						
		25	Closing function of valves checked.						
		26	No leakage of product.						
		27	Correctly closed blank flanges.						
		28	Valve protection fitted.						
		29	Security seal on the valves and/or on the locking device of the valve protection cover checked.						

Name/company of filler/unloader (delete if not applicable):
.....

Name of participant/acting on behalf of:
.....

Date of inspection:
.....

Full inspection (periodic/exceptional):
.....

This checklist does not relieve the various participants according to RID Chapter 1.4 from meeting their obligations in accordance with RID. Signature:
.....

Checklist
CARRIER

FOR THE CARRIAGE OF DANGEROUS GOODS OF RID CLASSES 3, 4, 5, 6, 8, 9

Identification number of the tank-wagon or tank-container:	
Tank code:	
RID description of the goods loaded:	
UN Number:	
Hazard number:	
Class:	

	RID section	Line	Purpose of inspection	Meets the requirements			Comments	
				YES	NO	N.A.		
CARRIER	1.4.2.2	a	1	The dangerous goods to be carried are permitted according to RID.				
		b	2	The prescribed documents are available.				
		c	3	The visual inspection reveals no obvious defects, leaks or cracks, no missing pieces of equipment etc.				
		d	4	Tank test period not exceeded.				
		e	5	Tank-wagon test period not exceeded.				
		e	6	The wagons are demonstrably not overloaded.				
		f	7	The prescribed danger labels and orange-coloured marking have been affixed.				

Name/Carrier company:
Name of the person who carried out the inspections:
Date of inspection:
Full inspection (periodic/exceptional):
This checklist does not relieve the various participants according to RID Chapter 1.4 from meeting their obligations in accordance with RID. Signature.