

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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(only German and English)

RID: 50th Session of the Committee of Experts on the Transport of Dangerous Goods
(Malmö, 21 to 25 November 2011)

Item: Interpretation of the provisions of RID on piggyback transport

Discussion paper submitted by Germany

A Current situation

1. At the moment dangerous goods transport operations to Sylt (island which can only be reached by rail via a causeway) are performed, among others, by adding to a motorail train (so-called "Sylt Shuttle") flat cars on which HGVs are carried which carry dangerous goods in accordance with ADR.
2. So far, these transport operations have been performed on the basis of a national derogation. Such derogation was required as in accordance with section 7.1.7 of RID (old version) dangerous goods, with the exception of those handed over for carriage as colis express, were only allowed to be forwarded in freight trains.
3. This derogation will be omitted because the new provisions of RID 2011 on piggyback transport do no longer require such a derogation as from 1 January 2011 and Directive 2008/68/EC lays down new requirements for granting national derogations.

B Issue to be discussed

4. As within the framework of the national discussion the legal assessment of the new RID provisions on piggyback transport yielded differing results, Germany puts to the RID Committee of Experts the question **if, in the opinion of the RID Committee of Experts, the provisions of RID 2011 set out below permit the transport operations mentioned above and if the Committee agrees with Germany's assessment set out below.**

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Die OTIF verfügt nur über eine sehr geringe Reserve.

C Provisions of RID 2011 on piggyback transport

5. Piggyback transport is defined as the carriage of transport units or trailers within the meaning of ADR in combined road/rail transport. The rolling road (with accompanied or unaccompanied transport units) is expressly included (see new definition in section 1.2.1 of RID 2011).

(Note: In the case of the “Sylt Shuttle”, wagons are used for carriage which correspond to those of the rolling road and which are no usual motorail wagons.)

6. The definition of piggyback transport expressly also mentions accompanied carriage (simultaneous carriage of passengers) as a permitted option. Thus, RID regulates a derogation stipulated in Article 5 § 1a of Appendix C of COTIF as regards carriage in trains other than freight trains.
7. That piggyback transport operations need not necessarily be carried out by means of freight trains therefore arises from the definition in section 1.2.1 and the fact that the provisions in sub-section 1.1.4.4 do not restrict carriage to freight trains.
8. From the newly worded basic provision on the carriage of goods in trains other than freight trains in sub-section 1.1.2.2 it can also only be inferred that the legal situation as regards **domestic** carriage is different from that as regards **international** carriage. The provision stipulates exclusively for international carriage that dangerous goods may be carried in trains other than freight trains only in accordance with the provisions of chapter 7.6.
9. This is logical because in non-EU member states RID does not automatically apply to domestic carriage and in EU member states this issue is specifically addressed by Directive 2008/68/EC in Article 1 (4) c). According to the provisions of this article, EU member states may lay down special rules for the transport of dangerous goods in passenger trains. In other words, if an EU state wants to regulate through specific safety requirements the domestic carriage of dangerous goods in passenger trains which is, in principle, possible as piggyback transport, he is allowed to do so in accordance with Directive 2008/68/EC.
10. As a result, it is possible to carry dangerous goods by piggyback transport at least for domestic carriage even though passengers are carried simultaneously. It is the responsibility of the national legislator to lay down the necessary specific safety requirements.
