

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

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

OTIF/RID/CE/2012/5

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Original: German

RID: 51st Session of the Committee of Experts on the Transport of Dangerous Goods
(Berne, 30 – 31 May 2012)

Subject: RID provisions on piggyback transport

Proposal transmitted by Germany

Summary: The provisions of RID as regards piggyback transport are to be made clearer.

Related documents: – INF.15 (Germany) of the 50th Session of the RID Committee of Experts;
– Document OTIF/RID/CE/2011-A (Report of the 50th session of the RID Committee of Experts, paragraphs 55 to 57.

Introduction

1. At the last session of the RID Committee of Experts (Malmö, 21 to 25 November 2011), Germany presented informal document INF.15 and was of the opinion that RID 2011 did not clearly prohibit the national piggyback transport of dangerous goods in trains also carrying passengers.
2. After discussing this document, the RID Committee of Experts asked the representative of Germany to present this problem to the European Commission's Dangerous Goods Regulatory Committee. Moreover, Germany was asked to work together with other States where such transport operations took place to prepare for the next meeting of the RID Committee of Experts a proposal containing relevant clarifications as regards RID.

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2. As a result, Germany tried to have this issue put on the agenda of the meeting of the Dangerous Goods Regulatory Committee in Brussels on 19 December 2011. The European Commission, however, refused to address the issue and declared instead that Directive 2008/68/EC conferred on Member States the right to grant such national derogations.
3. For reasons of clarification in RID, Germany proposes the two following amendments:

Proposal 1:

4. Delete the word "international" in 1.1.2.2 and 1.1.2.3.

Justification: The "Regulations concerning the International Carriage of Dangerous Goods by Rail (RID)", Appendix C to COTIF, exclusively apply to "international carriage", i.e. it is unnecessary to make reference to "international carriage" within RID. Moreover, it is misleading in the above sub-paragraphs.

In connection with this deletion, it was found that the terms "international carriage" and "international carriage by rail" also appear in 1.1.4.1.1 and 1.9.1 and 1.9.5. Here, however, it could be argued that the addition of the word "international" is actually necessary for editorial reasons and helps to make the provisions clearer. Thus, Germany suggests that the RID Committee of Experts should examine these passages and delete the respective word there too, if appropriate.

Proposal 2:

5. Add a new paragraph (p) at the end of Chapter 7.7:

"(p) are carried in piggyback transport with the agreement of the competent authority."

Justification: In different States it is necessary for very different reasons to allow combined passenger and goods transport. Today, the legal bases for this vary greatly. As the granting of such derogations is subject to restrictions, at least within the European Union, several States are of the opinion that this situation should be improved by establishing a common basis for authorisation. As such transport operations could only be technically regulated by means of disproportionately complex provisions, Germany would prefer leaving the decision on the technical requirements of such transport operations to the competent national authorities. This is consistent with the provision in Directive 2008/68/EC, which stipulates that every State may lay down safety requirements for the transport of dangerous goods in passenger trains.
