

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

Subject: Transitional measure for SP 363

Proposal transmitted by Switzerland

Summary: Adapt the transitional period in 1.6.1.27 to the decision taken by the Joint Meeting in September 2011.

I. Introduction

1. At its September 2011 session, the Joint Meeting adopted the following transitional measure in relation to the exemption for machinery and equipment (see ECE/TRANS/WP.15/AC.1/124/Add.1 – OTIF/RID/RC/2011-B/Add.1):

"Chapter 1.6

1.6.1 Add the following new transitional measure:

"1.6.1.27 Means of containment integral to equipment or machinery containing liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 constructed before 1 July 2013, which do not conform to the requirements of 1.1.3.3 (c) (i) applicable as from 1 January 2013, may still be used."

(Reference document: Informal document INF.45 as amended)

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2. During the last session of the RID Committee of Experts however the following change was adopted:

"**1.6.1.27** Replace "1.1.3.3 (c) (i)" with:

"special provision 363 of Chapter 3.3".

3. The final text which appears in document [OTIF/RID/NOT/2013] says the following:

"**1.6.1.27** Means of containment integral to equipment or machinery containing liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 constructed before 1 July 2013, which do not conform to the requirements of special provision 363 of Chapter 3.3 applicable as from 1 January 2013, may still be used."

The fact is that the text in 1.6.1.27 doesn't reflect the decision of the Joint Meeting because it extends unnecessarily the scope of the transitional period to all the provisions of special provision 363. In fact only the compliance with paragraph (a) of special provision 363 was concerned by 1.1.3.3 (c) (i).

The text of 1.1.3.3 (c) (i) is the text corresponding to paragraph (a) of special provision 363 and not to the whole SP 363:

"**1.1.3.3** (c) (i) The means of containment are in compliance with the construction requirements of the competent authority of the country of manufacture;"

3. Switzerland doesn't remember a debate during the RID Committee of Experts questioning the decision of the Joint Meeting from September. It seems also plausible to exempt only from the obligation of compliance with the construction requirements but not from the labelling and documentation provisions. For this reasons we believe the correct transition period should be as proposed hereafter.

II. Proposal

4. Amend 1.6.1.27 to read as follows:

"**1.6.1.27** Means of containment integral to equipment or machinery containing liquid fuels of UN Nos. 1202, 1203, 1223, 1268, 1863 and 3475 constructed before 1 July 2013, which do not conform to the requirements of special provision 363 **(a)** of Chapter 3.3 applicable as from 1 January 2013, may still be used."
