

OTIF



ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES

ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
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ITEM 7

Information from the European Railway Agency

Introduction

1. Following a request from the European Commission (see OTIF/RID/CE/2009/INF.10) at the 47th session of the RID Committee of Experts, it was decided (see report OTIF/RID/CE/2009-A, paragraph 110) to add a permanent new item "Information from the European Railway Agency" to each agenda. The Agency was invited by OTIF to continue providing information in the framework of the new RID Working Group.
2. The Agency reports information below which has the potential to facilitate the coordination of work carried out at EU and RID Committee of Experts levels. The selected information is the following:
 - Workshop on "Entities in Charge of Maintenance in the context of transport of Dangerous Goods by rail",
 - Exchange of messages required by the TAF TSI concerning the transport of dangerous goods by rail,
 - Notification of National Rules relevant to the EU railway system,
 - List of accidents notified to the Agency,
 - New texts concerning EU railway legislation.

Information points

Workshop on "ECMs in the context of transport of Dangerous Goods by rail"

3. In order to facilitate further discussions on the need for clarification of RID 1.4.3.5, the European Commission and the Agency organised an informal workshop on 24 October in Lille.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. OTIF only has a small number of copies available.

4. This workshop provided information on the ECM regulation and on the Authorisation for Placing into Service (APS) of tank-wagons. The Agency distributed a working document which summarises the responsibilities of the stakeholders involved in the APS, in the implementation of the ECM regulation and in the railway operations. This document shows where provision 1.4.3.5 interacts with these responsibilities and facilitates the correct understanding of the responsibilities allocated to the "tank-wagon operator" by the RID provision 1.4.3.5.
5. As a conclusion of the workshop, it was confirmed that there was a need for clarification of 1.4.3.5, and that the alignment of the vocabulary used in RID with that used in APS and ECM regulatory frameworks would facilitate this task.

Exchange of messages required by the TAF TSI concerning the transport of dangerous goods by rail

6. At the RISC meeting held on 17 October 2012, the Agency was requested to check the consistency between the messages required by the TAF TSI Technical documents with the relevant requirements existing in RID. This task will be undertaken by the Agency in the framework of the established process for amending the TAF TSI (with link to the TAF TSI technical documents). The analysis will also take into account the proposal made by the European Commission (UNECE/TRANS/WP.15/AC.1/2011/35) concerning the use of a unique identification of dangerous goods substances.
7. The RID Working Group and the RID/ADR/ADN Joint Meeting Telematics Working Group will be kept informed of the progress made.

Notification of National Rules relevant to the EU railway system

Background:

8. **The notification of National Rules** by EU Member States is described in the Railway Safety Directive 2004/49/EC, Article 8 for draft and adopted **safety rules**, in the Railway Interoperability Directive 2008/57/EC, Article 17(3) for adopted **technical rules**, and in Directive 98/34/EC for draft national **rules on products**.
9. From a general point of view, the obligation for EU Member States to notify the European Commission of each new or amended national rule enables the Commission to examine whether each given rule is consistent with the principles and the content of EU harmonised requirements, is non-discriminatory and does not restrict rail transport between EU Member States.
10. As a result of the examination process, the Commission can either authorise or reject the proposed rule, or request that it be amended. It is also important to note that the notification of draft rules is an important condition for the legal validity of the rule.

Clarification concerning the transport of dangerous goods:

11. Directive 2008/68/EC and its Annex RID allow for **national provisions/restrictions on transport of dangerous goods**. In some cases the notification of draft or adopted provisions is foreseen; in some cases other Member States are informed.
12. Article 3(2) of Directive 2008/68/EC states that this Directive and its Annex RID apply without prejudice to the general rule on market access, in other words they apply in addition to other Directives and do not take precedence over them.

13. The same situation has to be considered with regard to national rules enacted under other legal frameworks which might undermine implementation of the EU railway legislation, for example national restrictions on the operation of marshalling yards.

Conclusions of the Task Force:

14. Regardless of the legal framework under which they are established, the national rules concerning the EU railway system or its operation, including national rules on the transport of dangerous goods by rail, must satisfy the following conditions:
- They must not conflict with the Railway Safety and Interoperability Directives, TSIs, CSMs and CSTs.
 - They have to be notified in draft according to the Railway Safety Directive and/or Directive 98/34/EC, regardless of whether notification is required (or not) in Directive 2008/68/EC and RID.
15. In case of multiple-notification under different directives, the Commission coordinates the examination of the national rules concerned with the relevant Committees.

List of accident investigations notified to the Agency by National Investigation Bodies

16. In accordance with article 19.1 of the Railway Safety Directive (RSD) the National Investigation Bodies (NIBs) are required to notify the Agency of each serious accident, to carry out an investigation and to provide the Agency with an investigation report within one year. In accordance with article 19.2 of RSD the NIBs may also decide to investigate other railway accidents or incidents of particular interest.
17. Between 1 January 2012 to 30 September 2012 the NIBs sent the Agency:
- 171 investigation notifications and
 - 153 investigation reports.

These notifications and reports concerned accidents and incidents which occurred from 2007 onwards.

18. By 30 September 2012, the European Railway Agency had received a total of 30 notifications or reports where dangerous goods trains, dangerous goods wagons, or the substance itself was involved, of which 2 concerned events which occurred in 2012:

Date	Coun-try	Location	link in ERAIL
13/04/12	NL	Maasvlakte West – at the end of the 'Betuweroute' on a public track heading to the container terminal of ECT.	http://erail.era.europa.eu/occurrence/NL-1412-50-1/title
11/05/12	BE	L154 Dinant – Namur: in Lustin and Yvoir near Godinne railway station	http://erail.era.europa.eu/occurrence/BE-1411-8-1/title

New texts concerning EU railways (non-exhaustive)

19. The following texts may have some relevance to the RID Committee. These texts have been published or have received a favourable opinion from the Railway Interoperability and Safety Committee (RISC).

With regard to safety:

20. (Favourable opinions)

- Draft Commission Regulation on a 'common safety method for supervision' by national safety authorities after issuing a safety certificate or safety authorisation.
- Draft Commission Regulation on a 'common safety method for monitoring' to be applied by railway undertakings and infrastructure managers after receiving a safety certificate or safety authorisation and by entities in charge of maintenance.

With regard to interoperability:

21. (Favourable opinions)

- Draft Commission Decision amending Commission Decision 2012/88/EU on the technical specification for interoperability relating to the 'control-command and signalling' subsystems of the trans-European rail system.
- Draft Commission Regulation concerning the technical specification for interoperability relating to the subsystem 'rolling stock – freight wagons' of the rail system in the European Union and repealing Commission Decision 2006/861/EC.
- Draft Final baseline 5.2 for the ERA Technical Documents of Annex II of Commission Regulation (EU) No 328/2012 of 17 April 2012 amending Regulation (EC) No 62/2006 concerning the technical specification for interoperability relating to the 'telematic applications for freight subsystem' of the trans-European conventional rail system.

22. Corresponding recommendations from the Agency concerning these texts can be found on the Agency website.

Conclusion

23. The above information has been selected by the Agency in view of the potential links between the development of EU railway law and the provisions on the transport of dangerous goods. For the next "Information from the European Railway Agency", delegates are invited to propose topics of interest.
