

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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Original: German

RID: 2nd Session of the RID Committee of Experts' standing working group
(Copenhagen, 18 – 22 November 2013)

Subject: RID provisions on piggyback transport in mixed trains (combined passenger
and freight transport)

Proposal transmitted by Germany

<i>Summary:</i>	The provisions of RID concerning piggyback transport in mixed trains should be made clearer.
<i>Related documents:</i>	Document OTIF/RID/CE/2012-A (Report of the 51 st session of the RID Committee of Experts), paragraphs 27 to 30.

Introduction

1. The carriage of dangerous goods in piggyback transport in trains in which passengers are also travelling at the same time was last discussed at the 51st session of the RID Committee of Experts (Berne, 30 and 31 May 2012) (see also document OTIF/RID/CE/2012-A, paragraphs 27 to 30).
2. At that meeting, Germany was asked, on the basis of the discussions, to submit a revised document to the next session of the RID Committee of Experts' standing working group.
3. In the discussion, various delegates at that time expressed the view that RID should contain a rule concerning international carriage, and for this, the agreement of all the countries involved would be needed in addition to the agreement of the competent authority of the country in which the transport operation started.

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4. It was also pointed out that Chapter 7.7 had originally been developed as an aid to passengers. It would be better to include the new aspect of piggyback transport in mixed trains in a new section to Chapter 7.7, where it should be specified that it was accompanied piggyback transport that was at issue.
5. On the other hand, it was also pointed out that a rule for piggyback transport in Chapter 7.7 ran the risk of leading people to the conclusion that competent authority agreement was also necessary for other accompanied piggyback transport.
6. As a result of these discussions, Germany proposes the following amendments.

Proposal 1

7. To avoid misunderstandings, the new provisions on piggyback transport in mixed trains should be included in a new RID Chapter 7.8, rather than in Chapter 7.7.

"Chapter 7.8 Piggyback transport in mixed trains (combined passenger and freight transport)

The carriage of dangerous goods in piggyback transport in trains in which passengers are also travelling at the same time shall only be possible

- with the agreement of, and under the conditions specified by the competent authority of the country in which the transport operation started, and
- with the agreement of all the countries involved.

NOTE 1: These provisions shall not affect restrictions arising from the carriers' conditions of carriage under private law.

2: For piggyback transport where passengers are not travelling at the same time (except when accompanying "rolling road" transport), see RID 1.1.4.4."

Justification

8. In various States, it is necessary for very different reasons to permit combined passenger/freight transport. At present, the legal basis for such transport is inconsistent. As the situation in terms of granting such exceptions is restrictive, at least within the European Union, a number of States are of the view that this situation should be improved by creating a uniform enabling provision. Owing to its special characteristics, the technical regulation of such transport can only be achieved in RID by including disproportionately complex provisions, so Germany prefers a decentralised decision on the technical conditions of such transport by the national competent authority. This would accord with the rule in Directive 2008/68/EC, according to which each State reserves the right to enact safety provisions for the carriage of dangerous goods in passenger trains.

Proposal 2

9. As a consequential amendment, RID 1.1.2.2 and 1.1.2.3 should be amended as follows:

"1.1.2.2 For the ~~international~~ carriage of dangerous goods in trains other than freight trains in accordance with Article 5 § 1 a) of Appendix C, the provisions of Chapters 7.6 and 7.8 shall apply."

"1.1.2.3 For the ~~international~~ carriage of dangerous goods as hand luggage, registered luggage or in or on board vehicles in accordance with Article 5 § 1b) of Appendix C, only the provisions of 1.1.3.8 in conjunction with Chapter 7.7 shall apply."

Justification

10. The addition to 1.1.2.2 of the reference to Chapter 7.8 is a consequential amendment following on from the 1st proposal.

Furthermore, the word "international" is unnecessary, as the "Regulation concerning the International Carriage of Dangerous Goods by Rail (RID)", Appendix C to COTIF, only governs "international carriage". In connection with this though, it was noted that the terms "international carriage" and "international carriage by rail" are also used in RID 1.1.4.1.1, 1.9.1 and 1.9.5. However, it could be argued in these cases that the addition of the word "international" is in fact necessary for editorial reasons and makes matters clearer.
