

**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:** 2<sup>nd</sup> Session of the RID Committee of Experts' standing working group  
(Copenhagen, 18 to 22 November 2013)

**Subject:** Use of electronic documents for the carriage of dangerous goods

**Proposal transmitted by the International Railway Union (UIC) and the International Rail  
Transport Committee (CIT)**

### **Background**

1. The work of implementing the e-RailFreight system (electronic consignment note) has shown that the principle of functional equivalence laid down in Article 6 § 9 CIM and in section 5.4.0 RID has an attractive legal logic. Nevertheless, the principle makes the system complicated and burdensome. In reality, the paper processes can only be transposed into electronic processes as they stand with difficulty. Moreover, the requirements can vary based on national law. Taking account of the way the volume of electronic consignment notes is increasing by comparison with paper consignment notes, the principle needs to be replaced by a new approach. In addition, in future it would be sensible to give electronic documents priority over their paper equivalents.
2. In this spirit, the CIT has prepared a draft new Article 6a in conjunction with OTIF (see below). In order for this solution to be fully effective, its implications for the movement of dangerous goods will need to be considered.

### **Work already completed**

3. The draft of the new article 6a CIM is reproduced below. The new article will be placed before the existing Article 7 (Wording of the consignment note) and the existing Article 6 § 9 will have to be deleted. The draft takes account of the requirements below:
  - § 1: priority given to electronic consignment notes and electronic accompanying documents over paper documents;
  - § 2: evidential value of the electronic consignment note within the structure of the contract of carriage;

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- §§ 3 and 4: authentication of the electronic consignment note;
- § 5: the paper consignment note can only be planned for or used in exceptional cases where its use is essential.

Article 6a Form of the consignment note

§ 1 *The consignment note and the documents accompanying it are to be created as electronic records.*

§ 2 *The procedure agreed between the parties to the contract of carriage to create the electronic consignment note and the electronic documents accompanying it must ensure that the data they contain remain complete and unaltered from the time the records are created.*

§ 3 *The procedure agreed between the parties to the contract of carriage to supplement or amend the electronic consignment note must make any changes made apparent.*

*Likewise it must also be possible to preserve the information which was originally contained in the consignment note.*

§ 4 *The electronic consignment note is to be authenticated.*

*Authentication may be by means of an electronic signature or by another suitable process.*

§ 5 *The parties to the contract of carriage may agree that the consignment note and the documents accompanying it are to be created in a paper form.*

4. This draft will be considered at the next meeting of the OTIF Revision Committee; the meeting is expected to take place at the beginning of 2014.

**Extension to the carriage of dangerous goods**

5. The use of electronic documents allows information to be more accurate and more complete, allows the transmission of information to be speeded up and allows information to be made more widely available. It also permits costs to be reduced. In order for the carriage of dangerous goods also to take advantage of these benefits and to improve the safety of these movements, the issues outlined below need to be discussed within RID circles:
- replacing the principle of functional equivalence between electronic documents and paper documents in section 5.4.0 of the RID by specific provisions relating to electronic documents;
  - giving priority to electronic documents, paper documents only being used in exceptional circumstances.

**Proposal**

6. The UIC and the CIT propose to the RID Committee of Experts' standing working group that a debate on amending the RID and in particular section 5.4.0 to accommodate this approach is opened.