

**OTIF**



**ORGANISATION INTERGOUVERNEMENTALE POUR  
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN  
INTERNATIONALEN EISENBahnVERKEHR**

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

**INF.3**

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**RID:** 4<sup>th</sup> Session of the RID Committee of Experts' standing working group  
(Madrid, 17 - 20 November 2014)

**Subject:** Decisions of the OSJD Commission for Transport Law concerning provisions  
on the carriage of dangerous goods  
(Warsaw, 27 - 31 October 2014)

#### **Information from the Secretariat**

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Related document:

*OTIF/RID/CE/GTP/2014/16 (Temporary OSJD Working Group  
and OSJD group of experts, Budapest, 26 – 30 May 2014 and  
Warsaw, 25 – 29 August 2014)*

1. The OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods met in Warsaw from 27 to 31 October 2014. The meeting was chaired by Mr Nikolai Nosenko.

2. The following States took part in the discussions:

Azerbaijan, Belarus, Czech Republic, Estonia, Georgia, Hungary, Iran, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Mongolia, Poland, Russia, Ukraine, Uzbekistan, Vietnam.

The following international organisations were also represented:

Committee of the Organization for Cooperation of Railways (OSJD) and Intergovernmental Organisation for International Carriage by Rail (OTIF).

3. This meeting took the final decisions for the 2015 edition of SMGS Annex 2, which enters into force on 1 July 2015.

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Definition of "portable tank"

4. The representatives of the OSJD Member States did not adopt any amendments to the definition of "portable tank". They instead adopted various notes at the beginning of Chapters 4.2, 4.3, 6.7 and 6.8 to clarify the scope of each Chapter. As a result, Chapters 4.2 and 6.7 will also apply to tank-containers built in accordance with portable tank instructions T1 to T23, T50 and T75 and in addition in accordance with standard ISO 1496-3:1995 (Series 1 freight containers -- Specification and testing -- Part 3: Tank containers for liquids, gases and pressurized dry bulk) (see also document OTIF/RID/CE/GTP/2014/16, paragraphs 25-28).

6.8.3.1.6 – Energy absorption capacity of buffers for tank-wagons and battery-wagons.

5. The increase in the minimum dynamic energy absorption capacity of buffers for tank-wagons and battery-wagons for the carriage of gases from 70 kJ to 100 kJ originally proposed by Russia was not adopted, so this point does not differ from RID (see also document OTIF/RID/CE/GTP/2014/16, paragraphs 32-33).

6.8.4 – Special provision TE 25 (a) – Curve radius for the free taking of curves by wagons fitted with a device to protect against the overriding of buffers

6. The OSJD Commission for Transport Law decided to take over from RID the wording of paragraph a) of special provision TE 25 and hence the value of 75 m for the minimum curve radius for the free taking of curves by wagons fitted with a device to protect against the overriding of buffers (see also document OTIF/RID/CE/GTP/2014/16, paragraphs 35-36).

Language regime for consignments into or through the territory of an RID Contracting State

7. As already described in document OTIF/RID/CE/GTP/2014/16 (paragraphs 37-40), a provision had been proposed for SMGS Annex 2 concerning the language regime for consignments into or through the territory of an RID Contracting State, which was supposed to be analogous to the newly adopted 1.1.4.6 in RID. The meeting of the OSJD Commission for Transport Law was only supposed to agree on the details.
8. As a result of an unexpected letter dated 16 October 2014 from the Secretary of State of the Russian Ministry of Transport, Mr Aristov, in which the adoption of the new 1.1.4.6 was rejected, no further details were discussed at this meeting.
9. The representative of Russia explained that SMGS did not prohibit the use of languages other than Russian and Chinese. However, Russia rejected the additional mandatory use of English, French or German for consignments into or through the territory of the RID Contracting States. The Russian delegation also rejected, without explanation, an oral proposal from the representative of Latvia to change the word "shall" to "may", thus making this mandatory provision voluntary.
10. As the OSJD bodies work on the principle of unanimity, the new 1.1.4.6 for the 2015 edition of SMGS Annex 2 was not adopted. Consequently, in applying the two legal regimes, an asymmetrical situation arises in which the use of additional languages is prescribed for consignments into or through SMGS Contracting States, but not for consignments travelling in the opposite direction.
11. Despite rejecting it for the 2015 edition of SMGS Annex 2, it was decided again to discuss the question of the language regime at the meeting of the temporary OSJD working group, which will be held from 16 to 20 February 2015 in Warsaw.
12. In view of the fact that for the RID Contracting States, the new RID 1.1.4.6 makes matters easier at the border between the two legal regimes, at least in west – east traffic, the Secretariat recommends that the provision in RID 1.1.4.6 be maintained and that efforts continue in

the next biennium to include an identical provision in SMGS Annex 2.

13. In future though, it will have to be checked in each separate case whether a decision for RID is taken before a final decision by the OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods. However, as the last meeting of this OSJD Commission generally takes place five months after the final meeting of the RID Committee of Experts, this would mean that harmonisation relating to specific subjects can only be achieved with a two year delay.

#### Definitions of "full load" and "wagon load"

14. In the discussion on adapting the definitions of "full load" and "wagon load" in SMGS Annex 2, it was noted that these two definitions are not clear in RID either.
15. While the term "full load" is used in connection with large containers, the term "wagon load" is used for wagons. In the OTIF Secretariat's view, the following applies to the use of both definitions:
- a large container/wagon is used exclusively by a single consignor;
  - the large container/wagon is loaded with a single dangerous substance or article;
  - it is irrelevant whether the large container/wagon is only partly or fully loaded.
16. As the second statement particularly is not explicitly set out in any of the two definitions in RID, the Secretariat of OTIF would like to ask the RID Committee of Experts' standing working group to consider whether it might be necessary to amend both definitions. As the definition of "full load" also appears in ADR and ADN, this would have to be discussed at the RID/ADR/ADN Joint Meeting.
17. An attempt should also be made to align the definition of "wagon load" with the definition of "full load" and to include in it the previously missing elements, which are in fact also contained in the definition of "exclusive use" that applies to radioactive material:
- load from a single consignor;
  - loading is carried out in accordance with the consignor's or consignee's instructions.

#### 4.3.2.2 Degree of filling

18. The representatives of the OSJD Member States decided for the time being not to take over from RID the wording of 4.3.2.2.1 and 4.3.2.2.2 concerning the degree of filling. This was because in the formulae in RID for calculating the degree of filling, a fixed value of 50°C is used for the maximum average temperature of the goods loaded, instead of the variable  $t_r$ .
19. The representative of the Russian delegation pointed out that the wording of both paragraphs in RID did not take any account of carriage under extreme climatic conditions.
20. The RID Committee of Experts' standing working group is asked to consider whether, in calculating the degree of filling according to the example in Chapter 4.2, it would not be useful to use the variable  $t_r$  instead of a fixed value of 50°C, and subsequently to include a new paragraph saying that while the maximum average temperature of the goods loaded is indeed set at 50°C, for carriage under extreme climatic conditions, the competent authority may prescribe a lower or higher temperature. 4.2.1.9.4.1 of Chapter 4.2 already contains the same provision.

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21. If the RID Committee of Experts' standing working group were to decide that this needs to be dealt with, this issue would have to be examined in the RID/ADR/ADN Joint Meeting's working group on tanks.

#### Marking wagons with the emergency card number in accordance with SMGS Annex 2

22. At the 1<sup>st</sup> session of the RID Committee of Experts' standing working group (Riga, 12 to 15 November 2012), the problem of marking wagons with the emergency card number prescribed in SMGS Annex 2 was discussed. For large containers, tank-containers, portable tanks and MEGCs, the emergency card number must be shown on a separate white plate, but for wagons, tank-wagons and battery-wagons, SMGS Annex 2 allows the emergency card number to be shown in the bottom half of the placard. However, RID 5.2.2.2.1.3 only permits information such as the UN number or a text description of the hazard.
23. At the suggestion of the representative of Russia at the 1<sup>st</sup> session of the standing working group, OSJD was asked to amend the Note to 5.3.7.1 (a) of SMGS Annex 2 in such a way that for transport in or through the territory of States that apply RID, the number of the emergency card must be shown on a separate white plate. It should also be checked whether the footnote after the heading in 5.3.7 could be dropped. This footnote says that the provisions of 5.3.7 must not be applied in Poland, Slovakia and Hungary (see report OTIF/RID/CE/GTP/2012-A, paragraphs 39-41).
24. The OSJD Commission for Transport Law did not take a decision on this, because the views of the RID Contracting States concerned that are represented in OSJD also differed. In the Secretariat's view however, this issue should be pursued in the next biennium, as the legal situation in SMGS Annex 2 is not sufficiently clear.

#### **Future work**

25. The harmonisation work will be continued at the meeting of the temporary OSJD working group on SMGS Annex 2, "Provisions for the Carriage of Dangerous Goods", which will take place in Warsaw from 16 to 20 February 2015.
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