

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: 3rd Session of the RID Committee of Experts' standing working group
(Berne, 20 and 21 May 2014)**

**Subject: Language regime for consignments into or through the territory of an SMGS
Contracting State**

Proposal transmitted by the Secretariat

Introduction

1. In various places, RID contains provisions concerning the languages to be used in connection with the marking of packages, overpacks, tank-wagons and tank-containers and the information prescribed in the transport document and in the annexes to the transport document. These provisions mostly offer the possibility of choosing between German, English or French.
2. SMGS Annex 2 also contains language rules in the same places, although in SMGS the languages used are Chinese or Russian.
3. In the context of the work on harmonising RID and SMGS Annex 2 more extensively, it was recognised fairly early on that a reference to the language regime of the other regulations in each case should be included to avoid having to affix new markings at the changeover point between the two legal regimes.

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. At the 2nd session of the RID Committee of Experts' standing working group (Copenhagen, 18 to 22 November 2013), the Secretariat was asked, together with the representative of Latvia, to draft a text that can be used in both RID and in SMGS Annex 2 for the language regime in connection with the markings of packages, overpacks, tank-wagons and tank-containers and in connection with the information prescribed in the transport document and in the annexes to the transport document (see report OTIF/RID/CE/GTP/2013-A, paragraphs 83 and 84).
5. When drafting the text, the Secretariat was guided by the following principles, among others:
 - There should be a mandatory rule on using the languages prescribed in the other legal regime in order to avoid having to affix new markings at the border stations between the two legal regimes. At its meeting in Warsaw from 21 to 23 October 2013, the OSJD group of experts on SMGS Annex 2 "Provisions for the Carriage of Dangerous Goods" had only supported the possibility of the additional use of the RID languages (see document OTIF/RID/CE/GTP/2013/18, paragraphs 14 and 15).
 - As for the existing language regime in RID, the States concerned in the transport operation should have the possibility of agreeing different conditions. For example, it should be ensured that the agreement between Finland and the Russian Federation could still be used.
6. The Secretariat's proposal contains two options. In the first option, a new sub-section is included in 1.1.4 (Applicability of other regulations) which would be generally applicable to all the marking provisions in RID. In the second option, in all those places where there has previously been a statement on which languages to use, there would be additional text referring to transport carried out in the legal area of SMGS Annex 2. The Secretariat would prefer option 1.

Proposal

7. Option 1

1.1.4 Insert a new 1.1.4.6 as follows:

"1.1.4.6 Consignments into or through the territory of an SMGS Contracting State

If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the provisions of SMGS Annex 2 shall apply to this section of the journey.

In this case, the markings for packages, overpacks, tank-wagons and tank-containers prescribed in RID and the information in the transport document* and in the documents attached to the transport document prescribed in RID shall also, in addition to the languages prescribed in RID, be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise.

* The International Rail Transport Committee (CIT) publishes the "CIM/SMGS Consignment Note Manual (GLV-CIM/SMGS)", which contains the model uniform consignment note in accordance with the CIM and SMGS contract of carriage and its implementing provisions (see www.cit-rail.org)."

8. Option 2**SP 633**

5.1.2.1 (a) At the end, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the marking shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.2.1.5 Add a new second sub-paragraph, as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the marking shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.4.1.2.1 (c)

5.4.1.2.3.3 At the end, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the approval shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.4.1.2.1 (d) At the end, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the approval shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.4.1.2.1 (g) At the end before Note 1, add a new sub-paragraph as follows::

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the classification approval shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.4.1.4.1 After the first sentence, add a new sub-paragraph, as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the transport document* shall also be filled out in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

* The International Rail Transport Committee (CIT) publishes the "CIM/SMGS Consignment Note Manual (GLV-CIM/SMGS)", which contains the model uniform consignment note in accordance with the CIM and SMGS contract of carriage and its implementing provisions (see www.cit-rail.org)."

5.5.2.4.1

5.5.3.4.1 At the end, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the information shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.5.3.6.2 (a) At the end, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the term shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

5.5.3.6.2 (b)

5.5.3.7.1 (b) Before the example, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the term shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

6.8.3.5.6 (d) At the end, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the inscription shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

6.8.4 (e) At the end of the Note, add a new sub-paragraph as follows:

"If carriage in accordance with SMGS Annex 2 follows carriage in accordance with RID, the markings shall also be in Chinese or Russian, unless any agreements concluded between the countries concerned in the transport operation provide otherwise."

9. Consequential amendment for both options:

1.2.1 Add the following new definition in alphabetical order:

"Annex 2 to SMGS: Provisions for the carriage of dangerous goods as Annex 2 to the Agreement on International Goods Transport by Rail of the Organization for Cooperation between Railways (OSJD), Warsaw."

Discussions at the temporary OSJD working group

10. The Secretariat submitted the above proposal to the temporary OSJD Working Group on Annex 2 to SMGS, "Provisions for the Carriage of Dangerous Goods" (Warsaw, 10 to 14 February 2014) in order to ascertain whether such a text would also be acceptable for SMGS Annex 2.
11. The temporary OSJD working group welcomed this proposal and unanimously supported option 1. However, this working group did not have any decision-making powers, so in its report, it asked SMGS participants to send the OSJD Committee their comments on this draft by 16 April 2014.

12. The States represented at the temporary OSJD working group only saw a problem in connection with the use of languages in the transport document. As the dangerous goods provisions only formed an annex to the SMGS Agreement, it would not be possible to derogate readily from the language rules concerning the consignment note.
 13. In the corresponding text for sub-section 1.1.4.6 in SMGS Annex 2, the Secretariat therefore proposed to delete the reference to the transport document and instead to include a Note referring to the provisions on the CIM/SMGS uniform consignment note contained in SMGS Annex 22. This amendment was also reproduced in the report of the temporary OSJD working group.
 14. At the same time, the Secretariat decided to include a footnote in the text proposed for RID referring, with regard to the information in the transport document, to the "CIM/SMGS Consignment Note Manual" published by the International Rail Transport Committee (CIT).
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