



OTIF/RID/CE/GTP/2015/11

9 October 2015

Original: French

RID: 5th Session of the RID Committee of Experts' standing working group
(Zagreb, 23 - 27 November 2015)

Subject: Interpretation of RID 1.9.5

Proposal transmitted by Belgium

Summary

Explanatory summary: Interpretation of 1.9.5 in relation to its scope of application.

Decision to be taken: –

Related documents: None.

Introduction

1. In accordance with RID Chapter 1.9, the Netherlands informed the Secretariat of OTIF of the provisions that apply in the Netherlands in addition to RID. The Secretariat of OTIF informed the other Member States of these via its website (see Annex).
2. In the document from the Netherlands, Article 3, point 1.9.5.4 1a, which concerns the carriage of UN 1017 chlorine, says:

"The transport shall take place only in trains or sets of wagons in which no tank wagons or tank containers, other than those with UN 1017 chlorine are incorporated."

3. Belgium's understanding of the document from the Netherlands is that this requirement also applies to international trains and was prescribed in accordance with RID 1.9.5.

Comments from Belgium

4. Belgium is of the view that for the following reasons, measures relating to the composition of trains cannot be taken by applying RID 1.9.5:

- a) RID 1.9.5 specifies that "*these specific requirements shall not concern the areas covered by RID*".

However, Belgium is of the view that the question of train composition is covered by RID. This view is based on the fact that RID 7.5.3 contains requirements for the protective distance in the carriage of explosives. In addition, the RID Committee of Experts has in the past discussed (and rejected) several proposals on the composition of trains.

- b) Train composition requirements in one country have an impact on all trains whose point of destination is in this country or which travel through this country, and thus have consequences for other States. In international transport, unilateral rules such as these put obstacles in the way of the transport procedure. Contradictory national rules relating to train composition can even lead to some transport operations being made impossible.
- c) National requirements relating to train composition have an impact on transport procedures abroad. Such requirements may make additional shunting operations or additional trains necessary. As a result of these additional activities, there is a not inconsiderable risk increase in neighbouring countries. These negative effects in neighbouring countries are not necessarily taken into account when the measure is evaluated in the State in which the measure is prescribed.

5. For these reasons, Belgium's view is that provisions such as these cannot be prescribed unilaterally and should be discussed at international level beforehand.

Questions of interpretation

6. Belgium requests the RID Committee of Experts' standing working group to take a decision on the following question.

Can measures concerning the composition of trains, which also apply to international trains, be taken at national level on the basis of RID 1.9.5?

ADDITIONAL PROVISIONS in the Netherlands
for the transport of dangerous goods by railways

(Status: 01.04.2015)

From: *Regeling vervoer over de spoorweg van de gevaarlijke stoffen* (Regulation for the transport of dangerous goods by railways), Annex 2

[Remark: In the following text Annex 1 means the Dutch translation of RID.]

Article 1 Retention period of training records

The employer shall keep the records mentioned in marginals 1.3.3 and 1.10.2.4 of Annex 1 during the employment relationship with the employee who has received the training.

Article 2 Exemptions

The Minister shall grant exemption from this Regulation as referred to in article 9 of the *Wet vervoer gevaarlijke stoffen* (Transport of Dangerous Goods Act) only where such exemption relates to one specific case which, in his opinion, is clearly defined and subject to a time limit.

Article 3 N- and NE- provisions

1. The N- or NE- provisions in this Annex :
 - a. are supplementary to Annex 1; or
 - b. replace the obligations referred to in the provisions numbered correspondingly in Annex 1, insofar as they contain obligations that are incompatible with the provisions numbered correspondingly in Annex 1,
2. When the provisions of this Annex apply exclusively to national transport, the letter “**N**” is indicated at to the provisions.
3. When the provisions of this Annex apply to both national and international transport, the letters “**NE**” are indicated at the provisions.

1.5.1.1 N Multilateral agreements

1. National transport may take place in accordance with multilateral agreements as referred to in article 5 of this Regulation, under the condition that the agreements are signed by the Netherlands.
2. With regard to transport that complies with the multilateral agreement referred to in paragraph 1, the transport provisions in that agreement shall be observed.

1.8.3.2 NE Exemption from the obligation to appoint a safety adviser

The requirements of marginal 1.8.3 of Annex 1 do not apply to undertakings as referred to in marginal 1.8.3.2.

1.9.5.1 NE Stabling of railway wagons

1. The following definitions are applicable in this NE-provision:
 - a. Stabling: the actual presence of a wagon or of wagons stationary on a railway outside the establishment of the consignor or consignee, after conclusion of the marshalling process in the relevant marshalling yard;
 - b. Irregularity: an occurrence where the relevant wagon or its load no longer complies with the requirements of this regulation.

2. The stabling of wagons with high consequence dangerous goods as referred to in marginals 1.10.3.1.2 and 1.10.3.1.3 of Annex 1 and of wagons on which road vehicles are loaded - in piggyback transport according to marginal 1.1.4.4 of Annex 1 – containing such goods, is only permitted when paragraphs 3 to 6 are observed.
3. Before stabling the wagons referred to in paragraph 2, they shall be checked for irregularities. This check shall be repeated at least every eight hours in the course of the stabling, unless the wagons are under permanent supervision.
4. A record of the checks and the supervision shall be kept. In this record at least the following data shall be entered:
 - a. wagon number
 - b. date and time of the checks
 - c. observed irregularities
 - d. measures taken, if necessary.
5. The checks and the supervision referred to in the third paragraph and the record referred to in the fourth paragraph, shall take place under the responsibility of the carrier.
6. The record, referred to in the fourth paragraph, shall be retained for at least three months.

1.9.5.2 NE Prior notification, supervision and procedures for the transport of goods of Class 1.

1. The following definitions are applicable in this NE-provision:
 - a. competent military authority: the Minister of Defence or military agencies designated by the Minister;
 - b. military consignments: consignments of explosives which:
 - 1°. are shipped by the armed forces of the Netherlands or allied armed forces, by order of the competent military authority or of an agency of the allied armed forces; or
 - 2° are shipped by order of the competent military authority to a military agency, in which case the consignor shall attach an authorisation of the competent military authority to the consignment note, in order to hand over for carriage the consignment as a military consignment.
2. Prior notification
 - a. The handing over for carriage of substances or articles of Class 1 shall take place after previous notification to and after consulting the carrier. If more than four wagons are needed for the transport, this notification shall take place five days in advance.
 - b. The carrier shall give prior notification to the consignee that a consignment of substances and articles of Class 1, intended for him, is on its way.
 - c. If one or more wagons loaded with substances and articles of Class 1 are carried in a train, the carrier shall give prior notification to all relevant traffic control offices.
 - d. The carrier shall notify without delay the consignee of the arrival of a consignment of substances and articles of Class 1 at the station of destination.
 - e. In the case of consignments from foreign countries, the carrier who takes over the consignment of substances and articles of Class 1 from the foreign carrier shall notify without delay the competent military authority in the case of military consignments the arrival at the handing-over station.
 - f. If a consignment is handed over to another carrier, the carrier shall notify this other carrier as soon as possible.
3. Supervision and escorting
 - a. The loading and unloading of military consignments with substances and articles of Class 1 shall take place under supervision of persons designated by the competent military authority.
 - b. The loading and unloading of non-military consignments shall take place under supervision of an appropriate expert.
 - c. In the case of military consignments the competent military authority is authorised to check if the provisions of this regulation are observed.

- d. Military consignments of substances and articles of Class 1 shall be escorted by or on behalf of the competent military authority, if he considers this to be needed. The escorts take a seat in a wagon equipped for that purpose and which is situated in front or behind the military consignment at least at a safety distance as mentioned in marginal 7.5.3 of Annex 1. As far as the presence of persons in wagons is not forbidden, only those persons designated by the competent military authority for escorting purposes may be present in the wagon referred to.
- e. The carrier shall put at the disposal of the escorting persons, referred to in paragraph d, accommodation fulfilling reasonable requirements, the costs of which are laid down in the tariffs referred to in the General Regulation of Transport.

4. Transport

- a. Hump-shunting or loose-shunting is not allowed for wagons loaded with substances and articles of Class 1.
- b. If any delay in the transport of a wagon, loaded with substances and articles of Class 1, takes longer than three hours, the carrier shall bring this to the notice of the mayor of the municipality where the delay takes place, in order that he can take measures necessary in his opinion for public safety.
- c. If any irregularity is observed with a wagon loaded with substances and articles of Class 1 or with the load itself, the carrier, without prejudice to article 47 of the Transport of Dangerous Goods Act, shall give notice thereof to the local mayor, to the competent military authority in the case of military consignments, and to the Transport and Water Management Inspectorate in the case of a non-military consignment. If needed, the relevant wagon, with regard for the necessary precautionary measures, shall be removed from the train, after consulting the escort, if present.
- d. If transhipment of a wagon loaded with substances and articles of Class 1, being part of a military consignment, is inevitable, the transhipment shall take place under supervision of persons designated by the competent military authority.

5. Arrival and delivery

- a. Substances and articles of Class 1 shall be unloaded and removed as soon as possible, but within eight hours of the wagons with these substances and articles having been offered for unloading at the load transfer point (within or outside the premises of the station).
- b. If a consignment of substances and articles of Class 1 has not been removed eight hours after having been offered for unloading at the local transfer point, or if the consignment is in such a condition that continuation of the transport is deemed to be dangerous, the consignment shall be put at the disposal of the local mayor without delay, in order that he can take measures necessary in his opinion for public safety.

6. The requirements of this NE-provision are not applicable to consignments being carried as express parcels, pursuant to marginal 7.6 of Annex 1.

1.9.5.4 NE Prior notification, supervision and procedures for the transport of UN 1017 chlorine

1. The following requirements are applicable to the transport of UN 1017 chlorine in tank wagons or tank containers:

- a. The transport shall take place only in trains or sets of wagons in which no tank wagons or tank containers, other than those with UN 1017 chlorine are incorporated;
- b. The speed of the train in transport shall not exceed 60 kilometres per hour;
- c. In tunnels where the advisory speed for freight trains exceeds 60 kilometres per hour, this advisory speed is applicable;

- d. Apart from the normal communication system the train shall be equipped with a communication system, intended for safety messages between the engine driver and traffic controller, in working condition;
- e. Prior to transport the carrier shall inform the centralized traffic control that the relevant train carries UN 1017 chlorine;
- f. In the traffic information systems of the centralized traffic control a train carrying UN 1017 chlorine shall be clearly marked as such;
- g. The centralized traffic control shall continuously monitor a train with UN 1017 chlorine on the traffic information system;
- h. The engine driver shall report without delay, every deviation of more than five minutes compared to the established timetable to the traffic control. If needed, a new timetable shall be established in consultation between the carrier and traffic control, depending on the cause, the nature and the scope of the deviation;
- i. The traffic control shall report a deviation mentioned under part h, to the Emergency Centre of the Railway Police division of the Netherlands Police Agency;
- j. Tank wagons and wagons with tank containers with UN 1017 chlorine shall not be hump-shunted or loose-shunted, but marshalled by a motive power unit, coupled to the wagons;
- k. The transport shall take place, if possible, at a time when as little as possible interaction with other traffic may take place.

2. The requirements of this NE-provision are, with the exception of parts d and j of the first paragraph, not applicable to empty tank wagons and tank containers, uncleaned from UN 1017 chlorine.

4.3.3.4.3 NE Control measures after filling tank containers with gases of Class 2

- a. The filler shall check after filling tanks with liquefied gases, refrigerated liquefied gases or gases dissolved under pressure of Class 2, by weighing the tank container that the prescribed degree of filling of the tank has not been exceeded.
- b. The gauge pressure in the gas phase shall not exceed by more than 100 kPa (1 bar) the value of the vapour pressure (absolute pressure) of the liquefied gas at the temperature of the liquid phase.
- c. By derogation from part b, Table A of marginal 3.2 of Annex 1 is applicable to UN 1040 ethylene oxide with nitrogen.

5.2.1.5 N Marking on packages containing goods of Class 1

If the markings, referred to in marginal 5.2.1.5 of Annex 1, are written in French, German, Italian or English, markings in Dutch are not needed.

5.4.1.4.1 N Information in the consignment note

It is permitted to enter in the consignment note the information required in marginal 5.4.1.4.1 of Annex 1 in the Dutch language only.