



INF. 14

24 November 2015

(English only)

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

Subject: Inclusion of obligations for Entities in Charge of Maintenance (ECM) in RID

Comments from ERA for the amendment of the proposal 2015/2

1. At the last session of the RID Committee of Experts' standing working group, UIP agreed to submit a more detailed follow-up proposal to include obligations for Entities in Charge of Maintenance (ECM) in RID, and to coordinate the proposal with the interested parties beforehand.
2. The coordination objective was to ensure consistency between RID and ECM regulation which is also based on the ECM responsibilities defined by the Railway Safety Directive.
3. This objective is not fully achieved with the proposal from UIP for the following reasons:
 - a) it allocates the existing provision 1.4.3.5 b) in the section devoted to the definition of ECM responsibilities while it is concerning a task which should remain under the responsibility of the Tank-wagon operator.
 - b) it repeals the provision of existing section 1.4.3.5 c) of RID applicable to the Tank-wagon operator while this responsibility still needs to be ensured by the Tank-wagon operator and is not covered by the tasks allocated to the ECM by the ECM regulation.
4. ERA is of the view that the introduction of the ECM role in RID should only have the objective to clarify, in the context of the RID, the role and responsibilities of the ECM already defined in the article 14a of the Railway Safety Directive and in the ECM regulation in force (equivalent to the ATMF annex A).
5. In order to avoid such a situation, ERA proposes to amend the UIP proposal, as follows:
 - 1.4.3.8 b) of UIP proposal is kept in section 1.4.3.5,
 - 1.4.3.5 c) of current RID is maintained in section 1.4.3.5.

6. As a result, the new edition of RID, integrating ECM role should read as follows:

"1.4.3.8 Entity in Charge of Maintenance (ECM)

In the context of 1.4.1, the Entity in Charge of Maintenance (ECM) shall in particular ensure that:

- (a) the maintenance of tanks and their equipment is carried out in such a way as to ensure that, under normal operating conditions, the tank-wagon satisfies the requirements of RID;
- (b) the information as defined in Article 15a § 3 of ATMF – Appendix G to COTIF and in Article 5 of Annex A to ATMF also covers the tank and its equipment."
- (c) the maintenance activities concerning the tank and its equipment are recorded in the maintenance file."

"1.4.3.5 Tank-wagon operator

In the context of 1.4.1, the tank-wagon operator shall in particular:

- (a) ensure compliance with the requirements for construction, equipment, tests and marking;
- (b) ensure that the tests and inspections are carried out in accordance with Chapter 6.8;
- (c) have an exceptional check made when the safety of the shell or its equipment is liable to be impaired by a repair, an alteration or an accident;
- (d) ensure that the result of the above activities are recorded in the tank record
- (e) ensure that the Entity in Charge of Maintenance (ECM) assigned to the tank-wagon holds a valid certificate covering tank wagons for dangerous goods;
- (f) ensure that the information made available to the ECM as defined in Article 15a § 3 of ATMF – Appendix G to COTIF and in Article 5 of Annex A to ATMF also covers the tank and its equipment."

7. The other amendments proposed by UIP, concerning the introduction of the ECM definition and the section 4.3.2.1.7 (tank-record) should be adopted as proposed by UIP.

Justification

- 8. These amendments are necessary for reflecting correctly in RID the ECM responsibilities as defined in the existing ECM regulation and clarify the responsibilities of an ECM covering the scope of the maintenance of the dangerous goods tank-wagons and its equipment (point II -6-c of the annex III of the regulation 445/2011).
- 9. This proposal does not affect the other provisions of RID 2015 already applicable by the tank-wagon operator.
- 10. The proposal do not prevent the use of contractual arrangement between Tank-Wagon operators and Entities in Charge of Maintenance to allow some flexibility in the practical organisation of relations between Tank-wagon operators and Entities in Charge of Maintenance.