



OTIF/RID/CE/GTP/2016/11

17 October 2016

Original: English

RID: 7th Session of the RID Committee of Experts' standing working group
(Prague, 22 to 24 November 2016)

Subject: Decisions of the OSJD Commission for Transport Law concerning provisions on the carriage of dangerous goods
(Warsaw, 4 to 7 October 2016)

Information transmitted by Latvia

1. The OSJD group of experts in the field of provisions for the carriage of dangerous goods met in Warsaw from 4 to 5 October 2016 and the OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods met at the same place from 6 to 7 October 2016.
2. The following States took part in the discussions:

Afghanistan, Azerbaijan, Bulgaria, China, Estonia, Georgia, Hungary, Iran, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Mongolia, Poland, Russia, Slovakia, Tajikistan, Ukraine, Vietnam.
3. The main task for the meeting of the OSJD Commission for Transport Law was to take final decisions for the adoption of the 2017 edition of SMGS Annex 2.
4. Before the meeting of the OSJD Commission for Transport Law a meeting of the OSJD group of experts was held. The OSJD group of experts examined all the proposed amendments to SMGS Annex 2 which were submitted in the context of harmonising RID and SMGS Annex 2.
5. For SMGS Annex 2, the OSJD group of experts accepted provisions concerning the language regime for consignments into or through the territory of an RID Contracting State, which are supposed to be analogous to RID 1.1.4.6 adopted in 2015.

6. The OSJD group of experts decided not to include requirements in SMGS annex 2 concerning the entity in charge of maintenance (ECM), because in CIS countries, the functions of ECMs are carried out using a different system and responsibilities.
7. Russia objected to including any more references to EU directives and EN standards in the text of SMGS Annex 2 and proposed not to change the provisions which already contained references to EU directives and EN standards. In addition, Russia proposed that in future, all existing references to EU directives and EN standards should be deleted from SMGS Annex 2.
8. At the end of the expert group meeting, all the amendments for 2017 were put to a vote and were accepted by the majority (only Russia opposed). The amendments were then submitted for a final decision to the OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods.
9. At the meeting of the OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods, Russia maintained its objections against the use of any references to regional documents (EU directives and EN standards) in the text of SMGS Annex 2.
10. During the discussions, the participants expressed the opinion that in future, proposals from the Russian Federation on the possible creation of a document containing paragraph numbers of SMGS Annex 2, with references to standards and regulations of SMGS Contracting Parties, could be considered. In order to ensure the harmonisation of SMGS Annex 2 with the provisions of RID and other international agreements on the carriage of dangerous goods, the participants were of the view that appropriate consultations should be conducted. The participants agreed that the possible establishment of a harmonised form would require additional work at a later stage.
11. Taking into account the fact that the proposed amendments to SMGS Annex 2 represent a complex, it was decided to vote on adopting of all the amendments to SMGS Annex 2 (the whole range of issues in the draft, including changes to the references to EU directives and EN standards, which are related to other provisions in the draft). The participants were not in a position to introduce changes into the draft and create a new document because it was not possible to find a proper immediate solution in the meeting room.
12. The vote on the entry into force of the amendments for 2017 resulted in the following:
 - 15 countries in favour;
 - Russia opposed;
 - 2 countries abstained.

As the OSJD bodies work on the principle of unanimity, the amendments were rejected and the 2015 edition of SMGS Annex 2 remained unchanged.

13. The representatives from Estonia, Georgia, Hungary, Latvia, Lithuania, Poland and Ukraine requested the OSJD Committee to put the issue of the rejection of the amendments to SMGS Annex 2 on the agenda of the OSJD Ministers' Conference session.
14. The representatives from Estonia, Georgia, Hungary, Latvia, Lithuania, Poland and Ukraine also asked the OSJD Committee to send information to all SMGS Contracting Parties and OTIF about the discrepancy between SMGS Annex 2 and RID, ADR, ADN and the IMDG Code that will take effect from 1 July 2017.

Future work

15. Despite the rejection of amendments to SMGS Annex 2, it was decided that the harmonisation work will be continued. It was decided again to discuss the question of references to standards at the meeting of the temporary OSJD working group on SMGS Annex 2, which will provisionally take place in Warsaw from 14 to 17 February 2017.
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