



INF. 13

15 November 2016

(English only)

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

Subject: Answers to questions raised by Belgium

Information from the European Union Agency for Railways

Introduction

1. On 26 October 2016, Belgium requested the Agency, via the OTIF secretariat, to respond to the following questions, if possible:

"Request 1: 4th Railway Package – Will directives (EU) 2016/798 and (EU) 2016/797 have a significant impact on the transport of dangerous good legislation? Should we expect amendments to some RID provisions?"

Request 2: Derailment detection – Monitoring of actions decided by the RID DDD working group

2 (a) Development of technical specifications?

2 (b) Publication of guidelines for railway stakeholders before technical specifications are available?

2 (c) Establishing planning for the implementation of derailment detection systems?

Request 3: Besides the general "Information from the Agency", Belgium would like to receive more precise information on when new provisions are introduced into Technical Specifications that are directly related to dangerous goods. Examples are OPE TSI 4.2.3.4.3, TAF TSI/reference file on dangerous goods, (Tunnel) STR TSI 1.1.3.1 ...

2. The Agency is pleased to provide the following information.

Request 1

Request 1: 4th Railway Package – Will directives (EU) 2016/798 and (EU) 2016/797 have a significant impact on the transport of dangerous good legislation? Should we expect amendments to some RID provisions?

3. The Agency observes that 1) no specific requirements were introduced in the above-mentioned directives concerning the transport of dangerous goods, and 2) parties involved in the adoption of the 4th Railway Package did not identify the need to amend directive 2008/68. Therefore, from the purely legal point of view, the 4th Railway Package has no impact on transport of dangerous goods legislation.
4. With regard to potential amendments to RID provisions, the RID Committee of Experts is aware that a specific RID/ATMF working group is reflecting on the need to adapt RID within the broader context of general railway legislation. This situation already existed prior to the adoption of the 4th Railway Package.
5. Progress made by the RID/ATMF working group confirms that RID regulates specific aspects of dangerous goods railway services, among others, and that there should be better coordination between developments in RID and developments in general railway legislation. The working group is discussing how a better coordination process can be achieved.
6. In this context, the 4th Railway Package formalises the role of the Agency in TDG matters, by means of article 17 of the new Agency regulation.

Request 2

Request 2: Derailment detection – Monitoring of actions decided by the RID DDD working group

2 (a) Development of technical specifications?

7. In accordance with the applicable rules of procedure, the European Commission is preparing a general delegated act covering all the activities of the Agency. This act will cover the mandate for the development of specifications concerning the prevention and detection of freight train derailments.

2 (b) Publication of guidelines for railway stakeholders before technical specifications are available?

8. Guidelines have been published as a separate informal document for the 7th session of the RID Committee of Experts' standing working group.

2 (c) Establishing planning for the implementation of derailment detection systems?

9. The Agency would like to emphasise the shared conclusions of the DDD working group:
 - (a) In accordance with the final report of the RID DDD working group, the use of derailment detectors should remain voluntary. This means that implementation of these systems is fully under the responsibility of users, including planning and safe use of these systems. Therefore, it is not relevant to request the Agency to produce an implementation plan. This task is the responsibility of potential users.

- (b) With regard to the implementation of other electronic systems, including the prevention of derailments, these systems are at the development stage. According to UNIFE, as also reported in the final report of the RID derailment detection working group, relevant (electronic) products should be available within 6 to 8 years if the Shift2Rail project can support the developments.

On this aspect, the Agency, in collaboration with European Commission services, has taken the necessary steps to include the request for the development of electronic systems in the S2R framework. The above-mentioned period of time should be considered by potential future users in order to develop their own implementation plan.

Request 3

Question 3: Besides the general "Information from the Agency", Belgium would like to receive more precise information on when new provisions are introduced into Technical Specifications that are directly related to dangerous goods. Examples are OPE TSI 4.2.3.4.3, TAF TSI/reference file on dangerous goods, (Tunnel) STR TSI 1.1.3.1 ...

10. Since the "Information from the Agency" was established, the Agency has informed the RID Committee of Experts of the development of TSIs and other EU legislative developments, both at the stage of draft texts and at the stage of adopted texts. This applies to the examples given, for which general information was given in due time. It was then possible for interested RID experts, at least several months before the adoption of the texts, to check the relevant drafts, to liaise with their representatives in the relevant Agency working parties, and, if necessary, to report issues to the Agency and/or the RID Committee of Experts. No issues were reported to the Agency.
11. The Agency agrees that, due to the format of the "Information from the Agency" and the (generally short) time reserved by the RID Committee of Experts for its presentation, it has not been possible – and is possibly not desirable – to enter into a detailed presentation of EU railway legislation developments.
12. It is also important to note that, as a general principle, the whole content of the general railway legislation (with the exception of requirements only applicable to passenger services) applies – by definition – to dangerous goods services. This is why the Agency considers that it would be misleading only to highlight sentences where the words "dangerous goods" appear.
13. With regard to the examples given above, the applicable versions of the above-mentioned articles read as follows:
 - OPE TSI (Commission Regulation (EU) No 995/2015 of 8 June 2015):

*"4.2.3.4.3 Dangerous goods
The railway undertaking must define the procedures to supervise the transport of dangerous goods.
These procedures must include:*

 - *the provisions as specified in Directive 2008/68/EC of the European Parliament and of the Council,*
 - *advice to the driver of the presence and position of dangerous goods on the train,*
 - *information the infrastructure manager requires for transport of dangerous goods,*
 - *determination, in conjunction with the infrastructure manager, of lines of communication and planning of specific measures in case of emergency situations involving the goods."*

- TAF TSI/ reference file on dangerous goods:

In [appendix F](#) of the TAF TSI (Commission Regulation (EU) No [1305/2014](#) of 11 December 2014 on the technical specification for interoperability relating to the telematics applications for freight subsystem of the rail system in the European Union and repealing Regulation (EC) No [62/2006](#)), messages to be exchanged between railway undertakings and infrastructure managers are defined and are applicable directly without transposition (EU regulation). The definition of messages related to dangerous goods results from a request made by the Railway Interoperability and Safety Committee to convey the same information level for dangerous goods services as for other types of freight services. On this basis, the Agency worked with the sector representatives, including UIC, CER and EIM, to include the information that is required by RID in messages related to dangerous goods transport. This means that the TAF TSI does not introduce new requirements on dangerous goods, but mirrors the information required to support the freight transport business. With regard to reference files, appendix F is not what is called the reference file. The reference file is an IT file locally stored and administered by every railway undertaking and infrastructure managers, as requested in the TAF TSI regulation.

- SRT TSI (Commission Regulation (EU) No 1303/2014 of 18 November 2014) reads *"1.1.3.1 Operation of freight trains*
When each vehicle of a freight train or dangerous goods train as defined in clause 2.4 complies with the structural TSIs which apply to it (LOC&PAS, SRT, NOI, CCS, WAG) and when the dangerous goods wagon(s) comply with Annex II of Directive 2008/68/EC, the freight train or dangerous goods train operated according to the requirements of the OPE TSI shall be allowed to circulate in all tunnels of the European Union rail system."

Conclusion

14. In order to improve the current situation, as the Secretary General of OTIF is kept informed of all changes made to EU railway legislation, including a consultation phase, a supplementary channel of information for RID representatives might be available through OTIF.
15. Some adaptation of the information channels may also be required, depending on the conclusions of the RID/ATMF working group concerning the improvement of consistency between RID and general railway legislation.
16. On the part of the Agency, it is already envisaged to make more extensive use of its website to provide the TDG community with more specific information.
17. RID delegates are invited to continue 1) consulting the legislative texts reported by the Agency in its information, 2) exchanging views with their colleagues working with the Agency on the development of the general railway legislation and 3) reporting any potential issue in due time.