



OTIF SECRETARIAT – EUROPEAN COMMISSION

INTERACTION BETWEEN RID AND ATMF

IMPROVING CONSISTENCY BETWEEN COTIF APPENDICES C AND G

18 December 2014

INTRODUCTION

The reflections in this document have been triggered by a study carried out for the European Commission (EC) in March 2013 entitled “*Analysis of the interactions and coherence between railway and dangerous goods legislation in the European Union*”. The study analyses and identifies the scope of and overlaps between the European Union (EU) railway safety and interoperability rules on the one hand and the rules related to the carriage of dangerous goods by rail on the other. Although concluding that there were no major conflicts between these rules, the study identifies a few issues that could be improved through better cooperation.

The study is of relevance to OTIF because the two areas of legislation are also both covered within COTIF, in particular:

1. The RID regulations concerning the international carriage of dangerous goods by rail. The EU implemented the RID regulations through Directive 1996/49/EC, which was applicable to the transport of dangerous goods by rail only, then through Directive 2008/68/EC in order to include all three inland transport modes (road, rail, inland waterways) in the same legal framework. In addition to international traffic, the latter also makes RID applicable to domestic traffic in the EU Member States.
2. The ATMF on the technical admission of railway material used in international traffic. These provisions are to a great extent harmonised with and equivalent to the interoperability provisions in the EU. In particular Article 3a of ATMF sets out the conditions for the mutual recognition of vehicle admissions/authorisations based on either the COTIF or EU rules.

The interactions and consistency between the railway and dangerous goods legislation in the EU, as identified in the study mentioned above, are also therefore relevant for OTIF.

A substantial part of the rules in RID is based on those contained in the UN Recommendations on the Transport of Dangerous Goods and its annex, the Model Regulations, which cover all modes of transport. The Model Regulations are a scheme of basic provisions that allow the uniform development of international regulations governing the various modes of transport, including land, sea and air.

Due to the highly interconnected nature of the dangerous goods regulations for different modes of transport, the coordination between UNECE and OTIF for road, rail and inland waterways transport of dangerous goods provided by the “Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods” is essential. This ensures further harmonisation on topics not covered by the UN Model Regulations and at the same time provides an economical and rational way of adapting the regulations to technical progress in a two year cycle. This harmonisation of RID with other dangerous goods regulations provides an easy way to exchange dangerous goods at both geographical and intermodal level. There is great interest in preserving this working method.

However, the UN Model Regulations do not cover all the elements necessary for the transport of dangerous goods by rail. This is why RID contains specific rules for the transport of

¹ <http://ec.europa.eu/transport/modes/rail/studies/doc/2013-03-10-rail-dangerous-goods.pdf>

dangerous goods by rail, which should be coordinated with other railway regulations which also affect the carriage of dangerous goods.

In particular, this jointly prepared paper discusses the possibilities of improving consistency between the RID and ATMF. Indeed, the EC and the OTIF Secretariat share the view that OTIF would be the right forum to address most of the issues analysed in the study.

Apart from some wagon construction requirements, there are some further inconsistencies between RID and EU legislation and these are also comprehensively discussed in the above-mentioned study, but should be addressed at a later stage, since they imply entering into questions related to safety and risk analysis that are not part of the existing regulations within ATMF.

RID AND ATMF

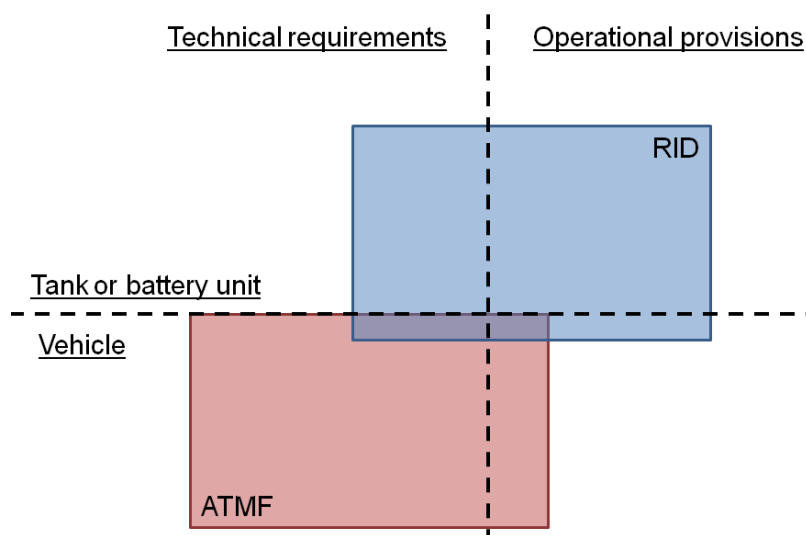
The RID (Appendix C to COTIF) sets out the regulations concerning the international carriage of dangerous goods by rail. In particular with regard to: the classification of goods, the use of packagings, the use of tanks, the consignment procedures, the construction, testing and approval requirements for packagings and tanks, as well as the use of means of transport. Beyond this, RID also contains a limited number of vehicle design requirements related to freight wagons used for the transport of some dangerous goods.

The ATMF (Appendix G to COTIF) sets out the uniform rules concerning technical admission of railway material used in international traffic. ATMF covers vehicle requirements, approval procedures and requirements and responsibilities linked to the use of these vehicles in international traffic. ATMF is applicable to all vehicles used in international traffic, including those intended to be used for the transport of dangerous goods. ATMF is aligned with the principles of EU railway law, in particular the principles of the Interoperability Directive 2008/57/EC and, to a limited extent, parts of the Safety Directive 2004/49/EC². These EU directives and secondary EU legislation (e.g. Technical Specifications for Interoperability) include in their scope freight wagons used for the transport of dangerous goods.

The vehicle requirements in force through ATMF are contained in Uniform Technical Prescriptions (UTPs), which are drafted on the basis of EU Technical Specifications for Interoperability (TSIs). In order for vehicles to be admitted/authorised in both the EU as well as the non-EU OTIF Contracting States, the UTPs and TSIs must be fully equivalent.

RID and ATMF have a (limited) overlap in the provisions related to the design of vehicles and to the operational tasks and responsibilities for their use in international traffic. This is illustrated in the diagram below.

² In particular the provisions related to the Entity in Charge of Maintenance



TECHNICAL VEHICLE REQUIREMENTS

The requirements for freight wagons imposed through ATMF apply to all types of freight wagons, including those intended to be used for the transport of dangerous goods. Most of the ATMF vehicle requirements are directly or indirectly linked to the safety of rail transport and as such, are also important for the safety of the transport of dangerous goods by rail. For example, the strength of the vehicle and the brake system contribute to railway safety in general. RID does not repeat such general provisions, but adds some specific requirements for wagons intended to be used for (very) dangerous substances. ATMF refers³ to RID and requires compliance with RID vehicle requirements, where applicable.

In terms of vehicle requirements the RID is therefore complementary to the requirements for the general railway system as defined in ATMF. This is justified by the fact that the goals of the TDG regulation differ from those of the general railway regulations due to the need to offer enhanced protection for the dangerous goods containment and avoid the catastrophic consequences of an accident. To this end, for vehicle requirements specific to dangerous goods, appropriate expertise is important, especially when these requirements depend on the nature of the goods and apply to specific lists of dangerous goods.

Today it is possible to design wagons which meet all requirements of both the ATMF and RID, but there it is necessary to ensure consistency both in terms of technical compatibility and in terms of safe integration within the vehicle. This consistency must be ensured not only today but also in the future.

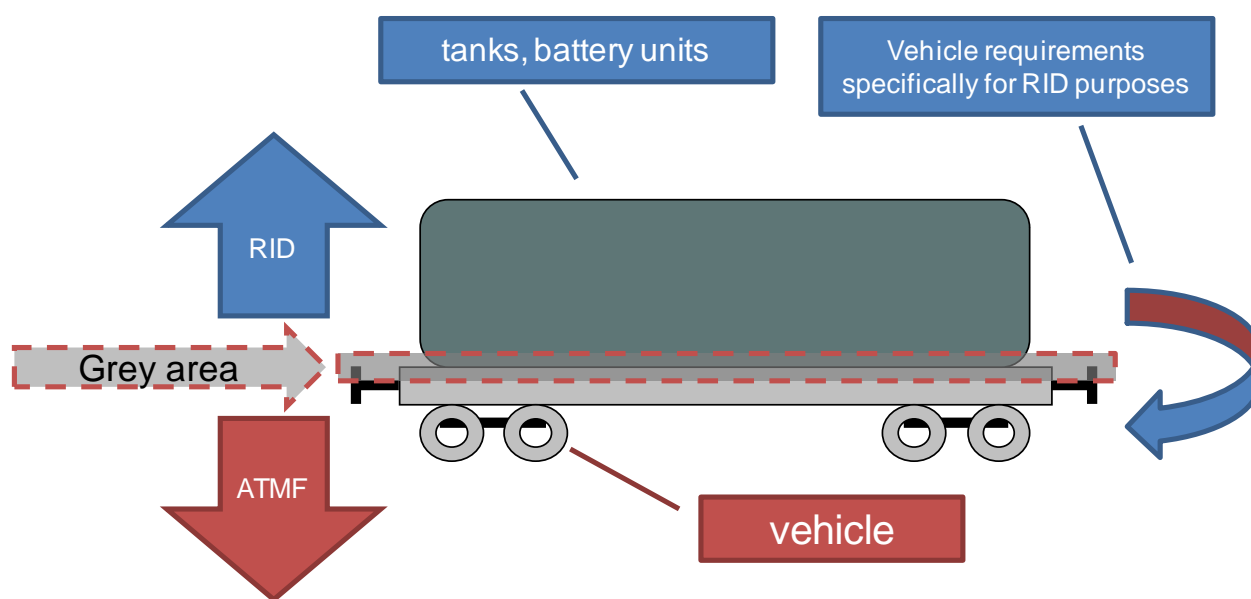
In accordance with COTIF Articles 18 and 20, the RID Committee of Experts and the ATMF Committee of Technical Experts (CTE) can both take decisions aiming to modify the Convention in their respective field of competence. There is no legal obligation for the two Committees to coordinate, which in theory does not prevent the two Committees from adopting conflicting or redundant requirements.

³ Article 7 §1 of ATMF

As mentioned above the ATMF rules apply to all vehicles, including vehicles transporting dangerous goods. Therefore, the RID rules in general and those specific to vehicles must not be in conflict with them. This has been resolved up to now by means of informal cooperation, but this could be improved by establishing a framework for coordination for the limited number of subjects covered by both Committees.

A POSSIBLE COORDINATION SCENARIO:

From a conceptual point of view, in the example of a tank-wagon, the separation between what is specified in RID and what is imposed through ATMF might be defined by a grey area between the tank (including its equipment) and the rest of the vehicle. The following diagram illustrates this concept.



Therefore, the adoption of provisions related to vehicle-specific measures linked to the safety of international carriage of dangerous goods by rail should be coordinated between CTE and the RID Committee in order to analyse the compatibility of dangerous goods specific vehicle-related requirements with all general vehicle requirements.

The process of coordination between both Committees should be further discussed and agreed upon in a way that allows for efficiency without imposing too much of a burden on both Committees.

A further step could be examined, which would consist of including all vehicle-related requirements in ATMF. If requirements from the RID were incorporated into UTPs and TSIs, it would be necessary to coordinate these requirements with the EU. To amend TSIs, the European Railway Agency would be involved in the drafting process and the opinion of RISC⁴ would be required before the European Commission could enact the requirements. For the purpose of forming an opinion, it would also be advisable at European Commission level

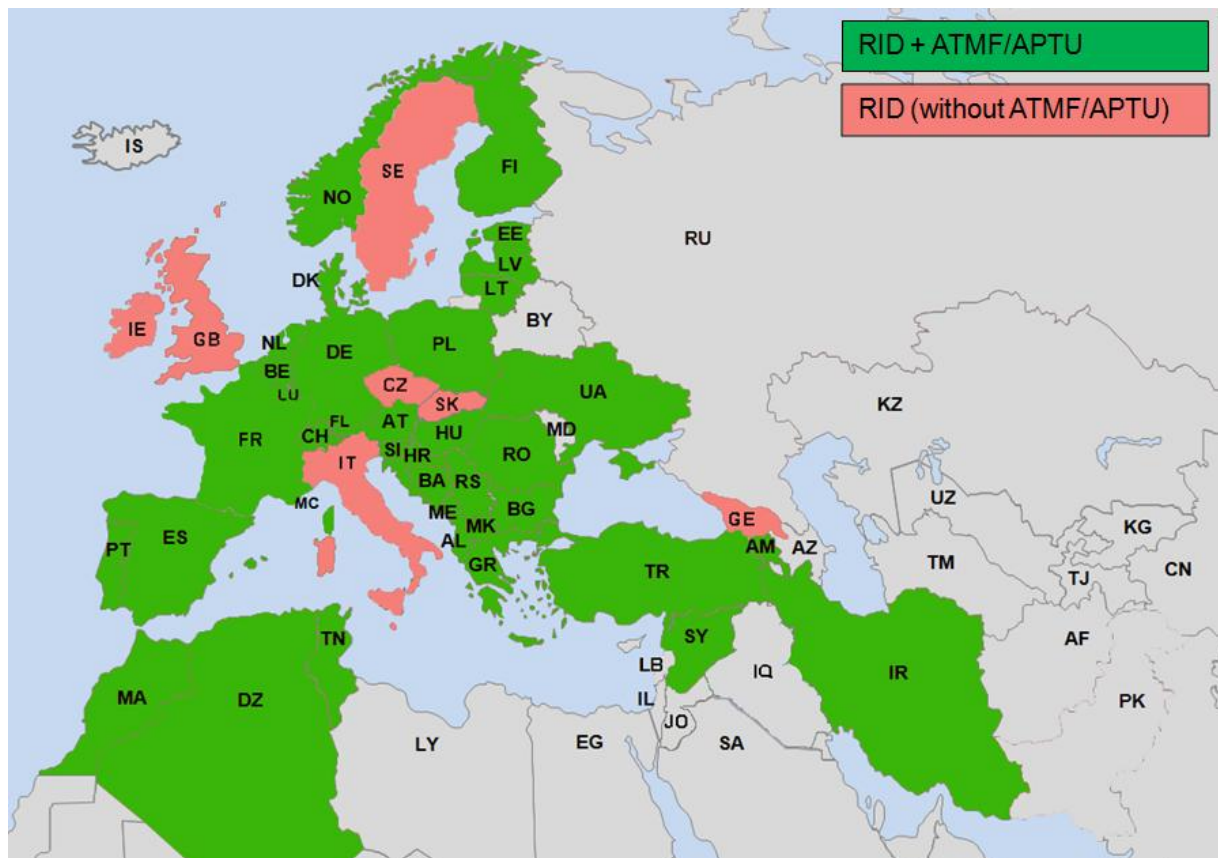
⁴ Railway Interoperability and Safety Committee.

for coordination to take place between RISC and the RID Committee of Experts on the Transport of Dangerous Goods (TDG).

The proposed approach would ensure that vehicle-related provisions linked to the safety of international carriage of dangerous goods by rail are verified in the same admission/authorisation process as all other vehicle-related requirements set out in the UTP/TSI, including a conformity assessment by a Notified Body or Assessing Entity.

GEOGRAPHICAL SCOPE:

The geographical scopes of RID and ATMF are not identical. There are several states that apply RID but not ATMF, as illustrated in red on the map. Most of the states that apply RID but not ATMF are Member States of the EU and as such must apply the TSIs and hence equivalent technical rules as those States that do apply ATMF.



For states that are not EU Member States and that do not apply ATMF (at the time of writing only Georgia), it should be ensured that the RID vehicle-related provisions continue to apply.

OTHER ALIGNMENTS BETWEEN ATMF AND RID

There is not much misalignment between RID and ATMF. Nevertheless, there are a few elements where consistency could be improved, or is already being improved.

At time of writing, the RID does not apply the concept of Entity in Charge of Maintenance⁵ (ECM), although the ECM regulation covers dangerous goods wagons. Alignment is already being discussed in the RID working groups to be resolved for the 2017 edition of RID.

The ATMF is based on the concept of third party assessment, where the applicant for a certificate may use an independent Assessing Entity or Notified Body in order to check whether the vehicle in question meets the UTP/TSI requirements. The Competent Authority should then take over the assessment results and grant the admission/authorisation to the applicant. In the 2013 edition of RID, the concept of third party assessments is introduced by reference to the Notified Bodies in the EU⁶; there is no reference to the equivalent OTIF Assessing Entity⁷.

WAY FORWARD

At OTIF level, this paper should be presented to the CTE/RID Committee of Experts and, at EU level, to the RISC and TDG committees.

It is proposed that a preliminary analysis of possible inconsistencies and/or overlaps should be carried out by a working group composed of experts from these committees, and that a policy discussion take place on the basis of the results of that working group.

⁵ Annex A to ATMF

⁶ E.g. in the footnote to section 6.8.2.1.2

⁷ In accordance with UTP GEN-E: Assessing Entity – qualifications and independence