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Bulletin of International Carriage by Rail

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Since 8 April 2019, I have been conducting the business of OTIF as its new Secretary General.

After many years’ service in the German Federal Ministry of Transport, I am now very much looking forward to being involved in shaping the future of rail transport from this position of responsibility.

In view of the urgent social issues of climate change, urbanisation and demographic change, our common aim should be to make railways the foremost means of transport in the 21st century.

In my view, OTIF has an important role to play in this respect. My personal aim therefore is to continue the Organisation’s successful process of enlargement and to press for the even swifter harmonisation of railway law.

I should like to thank the staff of the Secretariat, particularly the Secretary General ad interim, Mr Bas Leermakers, for their great efforts in the recent interim period, which have enabled me to take over a well-functioning Organisation.

I should also like to thank my predecessor, Mr François Davenne, who, during his term of office, succeeded particularly in giving OTIF an up-to-date image.

This edition of the Bulletin also follows the aim of presenting OTIF as a modern provider of comprehensive legal and technical interoperability.

I hope you enjoy reading this edition and I look forward to an exciting period!

Wolfgang Küpper
Secretary General
A NEW SECRETARY GENERAL FOR OTIF

On 27 February 2019, OTIF’s 14th General Assembly elected Mr Wolfgang Küpper as the Organisation’s Secretary General.

He is a lawyer with more than 28 years’ professional experience, notably as a solicitor, then as a legal advisor in Deutsche Bundesbahn’s legal service and in the German Federal Government.

Recently, as a Head of Division at the German Ministry of Transport, Mr Küpper was responsible for all aspects of railway policy at national, European and international levels and relations with the railway industry.

The Secretary General is an organ of OTIF in the same way as the General Assembly, Administrative Committee and the Committees (Article 13 of COTIF). To this end, he assumes various roles within the Organisation. For example, he convenes the General Assembly and the Committees, sends the Member States the documents necessary for the sessions of the various organs, prepares the work programme, manages OTIF’s finances within the framework of the approved budget, manages the staff of the OTIF Secretariat and represents OTIF externally (Article 21 of COTIF).

The Secretary General is the depositary of COTIF (Article 36 of COTIF) and his depositary functions are explained in the Vienna Convention on the law of treaties.

Now at the head of OTIF, Mr Küpper will continue to develop the strategy adopted by the Organisation’s Member States and will in particular promote the unification of railway law. His term of office began on 8 April 2019 and will end on 31 December 2021.
AD HOC COMMITTEE ON COOPERATION

At its 13th session in September 2018, OTIF’s ordinary General Assembly set up the ad hoc Committee on Cooperation in accordance with Article 13 § 2 of COTIF. This temporary committee was set up for a period of three years until the next ordinary General Assembly in 2021. It is made up of representatives of OTIF’s Member States and the regional economic integration organisations that have acceded to COTIF, and its aim is to take decisions concerning cooperation with other international organisations and associations. It may also take decisions on establishing and dissolving consultative contact groups with other international organisations and associations. All the Committee’s activities must be coordinated with those of OTIF’s other organs. The first session of the ad hoc Committee on Cooperation was held in Berne on 27 March 2019. A second session is planned for October 2019.


In 1999, OTIF’s 5th General Assembly in Vilnius adopted the Vilnius Protocol. It was a legal response to a changed European railway market. This Protocol was a major milestone in the development of international railway law and OTIF. It created a solid basis for technical regulations. It modernised the regulations on the transport of dangerous goods, contracts of carriage of passengers and goods, contracts of use of vehicles and contracts of use of infrastructure.

Now, 20 years after the adoption of the Vilnius Protocol, OTIF’s Secretary General, in conjunction with the Lithuanian Government, proposes to commemorate this anniversary and to think about new challenges.

On 28 and 29 October 2019 in Vilnius, the Ministry of Transport and Communications and the Ministry of Foreign Affairs of the Republic of Lithuania and OTIF will organise a Symposium, with the support of Lithuanian Railways.

Ministerial delegations and representatives of partner organisations (OECD, UNIDROIT, OSJD, CIT, UIC etc.) are invited to speak and share their views about OTIF’s achievements and perspectives in terms of promoting, improving and facilitating international railway traffic.
CIM CONSIGNMENT NOTE, UTP TAF AND ELECTRONIC BUSINESS STANDARDS

The United Nations Centre for Trade Facilitation and Electronic Business (UN/CEFACT) organised its 33rd Forum at the Palais des Nations in Geneva in Switzerland from 1 to 5 April 2019.

On Tuesday, 2 April, during the session on Transport and Logistics, Maria Price, an expert in OTIF’s technical interoperability department, presented the Organisation and its Convention COTIF. In particular, she explained the contractual and technical provisions relating to CIM and telematic applications for freight.

The forum brought together experts working on digital solutions at the International Air Transport Association (IATA) and International Maritime Organization (IMO), as well as experts on inland waterways and IT developers from China, USA, and Europe.

Consignment note data information and customs related data were of primary interest in terms of facilitating cross-border international transport.

Discussions at the forum focused on harmonised and standardised solutions for datasets, data messaging and the exchange and acceptance of digital transport documents across the supply chain and all modes of transport.

STUDENTS AT THE OTIF SECRETARIAT

In partnership with the World Trade Institute, Berne University’s Institute of European and International Economic Law has a "European and International Rail Transport Law" module directed by Mr Erik Evtimov, who is also the Deputy to the Secretary General of the International Rail Transport Committee (CIT), Mr Cesare Brand. The aim of this course is to provide an understanding of international and European rail transport law.

In order to give this course of theoretical law a practical aspect, a visit by students to the OTIF Secretariat is organised each year.

On Monday, 15 April 2019 therefore, students were welcomed by the Organisation’s Secretary General, Mr Wolfgang Küpper. Thanks to the presentations by Mr Bas Leermakers, head of the technical interoperability department, and Mr Jochen Conrad, head of the dangerous goods department, students were made familiar with OTIF and had the opportunity to see the place where the Convention concerning International Carriage by Rail (COTIF) is regularly amended.
Recognising the need to ensure a consistent and uniform approach to the development and application of OTIF’s legal framework, the former Secretary General set up an advisory working group of legal experts in December 2018, composed of representatives of the Member States and regional economic integration organisations that have acceded to COTIF.

The formation of this working group was supported by OTIF’s existing organs, i.e. the Administrative Committee, the Revision Committee, the Committee of Experts on the Transport of Dangerous Goods, the Committee of Technical Experts and the General Assembly at its 13th session in September 2018.

The working group’s task is to assist OTIF’s organs in the legal area, help them function and ensure the effective management of the Convention. Its primary role is to provide advice in the legal area. Its attributions consist of:

- a) preparing draft amendments or supplements to COTIF;
- b) providing legal advice and assistance;
- c) promoting and facilitating the functioning and implementation of COTIF;
- d) monitoring and assessing the application and implementation of COTIF;
- e) acting as a forum and think-tank for OTIF’s members to raise and discuss relevant legal questions.

The first session of this working group was held in Berne on 26 March 2019. At this session, it established its Rules of Procedure and adopted its work programme for the next few years (2019 to 2021). It also discussed at length the monitoring and assessment policy to be put in place for OTIF. It will continue its discussions on this monitoring and assessment policy at its second session, which has been planned for October 2019.

Iris Gries
JOINT COORDINATING GROUP OF EXPERTS IS LAUNCHED

On 6/7 February, the Joint Coordinating Group of Experts (JCGE) held its first, preparatory meeting in Bern. The JCGE is an ad-hoc working group whose aim is to contribute to ensuring that legislative developments in RID and general railway law (railway legislation concerning interoperability and safety) are consistent and that conflicting requirements are avoided for vehicles and operations in the carriage of dangerous goods by rail.

The JCGE was set up as a result of intense discussions in the RID-AT-MF Working Group over the period of two years. The working group recognised the need for cooperation and a more formalised coordination mechanism between OTIF’s RID Committee of Experts (RIDCE), the Committee of Technical Experts (CTE), the European Commission’s Transport of Dangerous Goods Committee (ECTDG) and the Railway Interoperability and Safety Committee (RISC). Furthermore, to ensure the appropriate coordination at EU level, the European Union Agency for Railways (ERA) has been tasked to provide technical assistance to the EC.
Vehicle related aspects in both RID and the TSIs/UTPs remain a priority and the core of the work. This means that vehicle-related requirements should be reflected accordingly in RID or TSIs/UTPs. If there are technical requirements that already exist in RID only, they should not be deleted until they are included (or, where required, moved) to the relevant TSI/UTP. In so doing, cross-references between RID and TSIs/UTPs should ensure consistency and resolve possible discrepancies in terms of the scope of the provisions.

Following the conclusions of the RID-ATMF Working Group on 13 April 2017, the JCGE was endorsed by:
- OTIF’s RID Committee of Experts (RIDCE)
- OTIF’s Committee of Technical Experts (CTE)
- The EC’s Committee on the Transport of Dangerous Goods (ECTDG)
- The EC’s Railway Interoperability and Safety Committee (RISC)

Its tasks are to:
- Identify items that require coordination between dangerous goods and general railway law
- Examine and propose solutions to reconcile RID and general railway law
- Issue advice to the relevant committees within OTIF (RID Committee of Experts and Committee of Technical Experts) and DG MOVE in respect of the items defined and concerning appropriate interfaces between RID and general railway law.

The JCGE brings together experts in the transport of dangerous goods and experts in the field of technical interoperability from the Member States, as well as representatives from the relevant industry sectors. Its coordinating role is essential to bring together in one forum issues raised in each of the committees that interface with the work of other committees.

During its first, preparatory meeting, the JCGE discussed its Rules of Procedure, which define the group’s scope and working methods. The discussions on the second and third day focused on the identification and prioritisation of a list of items that need to be dealt with in the short, medium and long term. Proposals were submitted by both the OTIF Secretariat and ERA. Once agreed for the top priority list, each item has a designated rapporteur or rapporteurs who are tasked to provide information to the group for further deliberation.

The next JCGE meeting will be held from 9 to 11 September 2019 in Bern. More information on the report of the meeting and the working documents, including the prioritised list of items, can be found on OTIF’s website.

(Maria Price)

(TOP) PRIORITY 1:
Preventing reoccurrence of legal inconsistency

PRIORITY 2:
Solving current implementation problems for existing EU/COTIF legislation

PRIORITY 3:
Clearing backlog

NEW ITEMS:
- under current discussion for which legal amendments may be adopted in short to medium terms by the Joint Meeting or Committees, or
- with strategic and long-term development characteristics for which a legislative orientation should be advised.

IN THE FIRST INSTANCE, THIS SHOULD MAINLY CONCERN ISSUES RELATING TO IMPLEMENTATION OF THE FOURTH RAILWAY PACKAGE:
- issues relating to vehicle authorisation, or
- issues relating to single Safety Certificates, or
- other, to be specified.

Long lasting inconsistencies, already discussed by the RID/ATMF working group, that should be removed, but do not currently create major implementation issues.
NATIONAL TECHNICAL REQUIREMENTS FOR VEHICLES IN INTERNATIONAL TRAFFIC

In order to ensure technical compatibility between rail vehicles and the variety of networks they are to be used on in international traffic, it may be necessary for these vehicles to comply with specific national requirements in addition to the harmonised UTP requirements. The OTIF Secretariat explores which kind of requirements fall within the scope of COTIF by examining its UTPs, national technical requirements and specific cases, and explaining the way they may impact vehicle admission.

Uniform Technical Prescriptions

The UTPs (Uniform Technical Prescriptions) are requirements which are necessary for the objectives set out in APTU and ATMF and which can be harmonised between states which apply APTU and ATMF (the Contracting States). UTPs can apply to subsystems such as rolling stock and infrastructure, etc. One of the most important aims is to allow the admission of railway vehicles to international traffic. However, for historic reasons, networks in different states, or even within one state, have different technical characteristics. The aim of the UTPs is to harmonise the common requirements, although some additional, or in some cases alternative national requirements may remain necessary to ensure that vehicles are compatible with these networks. The specific national requirements may be of two sorts; national technical requirements in accordance with Article 12 of the APTU UR (hereinafter NTRs) and specific cases in the meaning of Article 8 § 6 of the APTU UR. Both NTRs and specific cases specify requirements which are particular to a state. NTRs are documented at national level and specific cases are documented in the UTP and, in the case of members of the European Union, in the TSIs².

National Technical Requirements

Provisions relating to the scope of NTRs are limited to vehicles and cannot therefore cover subsystems other than those relating to vehicles. As the scope of COTIF concerns international traffic only, the scope of NTRs is consequently limited to vehicles for use in international traffic. The scope and aims of NTRs partly overlap with the scope and aims of national rules in EU law, but the two concepts are not identical and should not be confused. One of the significant differences is that the national rules in EU law also cover national traffic and therefore have to specify elements relating to specific local or regional features of the network.

Possible justifications why NTRs may be necessary:

- If there is no UTP covering the subsystem (i.e. on-board part of the CCS system).
- To cover open points in the UTPs (a parameter that is indispensable, but for which it has not yet been possible to harmonise the specification).
- To ensure technical compatibility with the particularities of a network.
- To provide (detailed) specifications relating to a specific case.

NTRs are not defined in COTIF, but Article 12 § 2 of APTU sets out the objective and scope of NTRs:

“...to ensure the technical compatibility between the vehicles and its [the Contracting State’s] network concerned; this includes national rules applicable to “open points” in the technical prescriptions and applicable to the specific cases duly identified in the technical prescription.”

It should be noted that Article 12 is based on the idea that NTRs should be replaced by UTPs as far as possible. This is expressed in § 1 of Article 12 of APTU:

“...a NTR may stay in force only until it or an analogous requirement is brought into force through the adoption of prescriptions according to the Articles above. The Contracting State may at any time withdraw the temporary provision and notify this to the Secretary General.”

Furthermore, Article 12 § 2 of APTU requires that every time a UTP is adopted or amended, the Contracting States must notify and justify the NTRs that are still required after the UTP enters into force. This notification must be given within 6 months after the entry into force of the UTP. Without such notifications the NTRs are assumed no longer to be required. Notifications should include the methods and procedures to prove compliance with them, so that applicants and manufacturers can take them into account in their activities. At least the title and summary of the NTRs must be in one of the working languages of OTIF (French, German and English).

¹ The UTPs do not deal with the specific case of states which are also members of the European Union, but make reference to the TSIs for this purpose.
NTRs are in some cases indispensable in order to ensure compatibility between vehicles and the network on which they are intended to run. At the same time, as they are not harmonised, NTRs are by definition undesirable for international traffic and the aim should therefore be either to harmonise them or create the conditions to ensure that they become obsolete. The overarching objectives relating to NTRs could be summarised as follows:

1. NTRs should be accessible and transparent, hence the requirement in Article 12 of APTU to notify them.

2. NTRs should be removed if they are not, or are no longer, strictly necessary for the objectives of APTU and ATMF, hence the rule in Article 12 § 2 of APTU that NTRs are rendered invalid if not re-notified within 6 months after a UTP enters into force.

3. NTRs which are necessary should be harmonised as far as possible, preferably in the form of UTPs.

Specific cases

Another type of national provision is the specific case contained in chapter 7 of the UTPs. Contrary to NTRs, specific cases are not limited to vehicles, but can relate to any subject covered by UTPs.

In accordance with Article 8 § 4 of APTU each specific case must include requirements concerning the procedures to be used in order to assess conformity with it. Article 10 § 3a of ATMF stipulates as a general rule that conformity with UTPs (which includes specific cases) may be assessed by any assessing entity. If assessment of conformity with a particular specific case cannot be carried out by any assessing entity, this should be indicated in the specific case in the UTP, bearing in mind that, in accordance with UTP GEN-E point 3, assessing entities must have access to the equipment needed for exceptional checks.

The application of NTRs to vehicle admission

As laid down in Article 7 § 1 of ATMF, in order to be admitted to circulation in international traffic, a vehicle must comply with the applicable UTPs and, where applicable, the RID requirements and all other specifications which are necessary to meet the applicable essential requirements.

On the basis of ATMF, three different vehicle admission cases can be distinguished:

Case 1: first admission valid in all Contracting States: concerns an initial vehicle admission in accordance with Article 6 § 3 of ATMF, which is directly valid for international traffic in all Contracting States.

This is only possible if all the requirements relevant to the vehicle are covered in the UTPs, meaning that there are no open points relating to the vehicle in question. Furthermore, the vehicle must not be subject to a specific case or NTR which affects technical compatibility with the networks of the Contracting States concerned. The vehicle must also have undergone assessment in accordance with all the UTP requirements and not be subject to derogation in the meaning of Annex B to ATMF. Under the existing UTPs, this is only possible for freight wagons and only if these comply with the provisions of section 7.1.2 of the UTP WAG.

Case 2: first admission valid in one Contracting State: concerns an initial vehicle admission in accordance with Article 6 § 4 of ATMF, for which the first admission is not directly valid in other Contracting States and which must therefore be supplemented by an additional admission issued for each further state where the vehicle is to be used.

Currently, all vehicles other than freight wagons complying with section 7.1.2 of the UTP WAG come under this case, including e.g. all locomotives, train sets, etc.

These vehicles will be required to meet all the UTP requirements, including the applicable specific cases and, in addition, the NTRs of the state where the vehicle is (first) admitted to international operation.

Case 3: complementary admissions (ATMF Article 6 § 4): concerns an additional admission of a vehicle which has already been admitted to international traffic by at least one other Contracting State.

The competent authority/ies issuing the additional admission(s) may ask the applicant for additional technical information, such as a risk analysis and/or tests, including, but not necessarily limited to, information and tests relating to NTRs. The verifications of the parts of the vehicle which are compliant with a UTP will be accepted without additional proof.
National and international admission

The scope of COTIF relates to international traffic by rail. As a consequence, ATMF only governs the technical admission and use of railway vehicles in international traffic. Most vehicles will not be exclusively used in international traffic, i.e. most vehicles will at least sometimes also be operated in domestic traffic. This would mean that, at least in the state that initially admits it, a vehicle would be subject to admission for use in international traffic as per ATMF as well as to approval for use in domestic traffic as per the rules applicable for this purpose in the state concerned. As COTIF does not regulate or harmonise the procedures or technical requirements concerning approval of vehicles for use in domestic traffic, from a strictly legal perspective the national and international admissions are two separate procedures.

Situation then, now and in the future

At the time when APTU and ATMF were developed, there were not yet any UTPs. Until UTPs became available, vehicles were admitted solely on the basis of NTRs. Listing and categorising the NTRs of the various Contracting States was considered an important step towards harmonising the rules. The concept was to put all NTRs on the table, categorise them, identify overlaps between the NTRs of different Contracting States and, where possible, declare them equivalent. Over time, the UTPs would be developed and supersede the NTRs for parameters covered by the UTPs. Subsystems not covered by UTPs are by definition covered by national requirements, whether notified as NTRs or not. The failure of a Contracting State to fulfil its obligations under APTU Article 12 to notify its national requirements, for whatever reason, does not mean that no requirements are applicable. For example, signalling systems are not yet covered by UTPs. However, it is safe to assume that before admitting a locomotive, each Contracting State will need to prove that the locomotive can be safely operated with the signalling system on its network. This is why Article 6 § 4 of ATMF permits Contracting States to request additional technical information from the applicant, such as risk assessments and tests, before granting a complementary admission to operation.

Although there may be no direct benefit for states in notifying their NTRs, the obligation to do so exists. If they do not notify their requirements, the possible consequences are lack of visibility of such rules, and the absence of clarity, which will affect manufacturers, vehicle keepers, railway undertakings etc., making their business less predictable and more risky. Long term consequences might be less efficiency in the railway sector and wasted resources. Transparency of rules provides these parties with increased legal certainty and predictability in their projects and hence lower risks and greater efficiency. It is therefore very important that all Contracting States notify their rules.

The aim is gradually to reduce the number of NTRs and specific cases. A requirement can be removed either because it is superseded by a harmonised requirement in a UTP, or because the rail network in a state is modified so that the requirement is no longer needed. Only when there are no more technical barriers to interoperability can the railways unlock their full potential as a competitive international land transport mode.

Bas Leermakers

The adoption of Uniform Technical Precriptions and validation of standards are in the remit of the Committee of Technical Experts, which is one of the organs of OTIF. The Committee usually convenes once a year in June and is prepared by its standing Working Group Technology, which usually convenes in February, September and November. All Member States, the European Union and a wide selection of sector associations are invited to the meetings.
The 54th session of the UN Sub-Committee of Experts was the last session in the 2017/2018 biennium. Its decisions will form the common basis for all the mode-specific dangerous goods regulations. In the context of harmonising RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, these decisions will also be carried over into the 2021 editions of RID, ADR and ADN.

Classification

UN 0222 Ammonium nitrate

The UN Model Regulations and RID/ADR contain several UN numbers for ammonium nitrate, e.g. UN 0222 of Class 1 and UN 1942, UN 2426 and UN 3375 of Class 5.1. The UN Sub-Committee of Experts agreed that ammonium nitrate of UN number 0222 is not manufactured commercially and that as a result, the entry was not really necessary. However, it was ultimately recommended to keep the entry because it can be used for contaminated ammonium nitrate or ammonium nitrate with an unknown classification, for example.

Special provision 370 specifies the criteria of ammonium nitrate that can be assigned to another UN number, also meet the criteria of special provision 370.

The UN Sub-Committee of Experts decided to include a restriction in special provision 370 that makes clear which substances UN number 0222 cannot be used for.

Technical name of environmentally hazardous substances

Paints and printing inks are carried in large quantities in the global market. Because of the solvents they contain, they are assigned to UN numbers 1210, 1263, 3066, 3469 and 3470. As many paints are now made with water-based formulations and other paint products contain no solvents at all (e.g. powder coatings), these are classified in Class 9 under UN numbers 3077 and 3082 (Environmentally hazardous substance, solid/liquid, n.o.s.) owing to their environmental hazards. As for other n.o.s. entries, special provision 274 applies to these two UN numbers, so in addition to the proper shipping name, a technical name also has to be shown in the transport document. The International Paint and Printing Ink Council is of the view that this creates problems because neither the proper shipping name of UN numbers 3077 and 3082, nor the often incomprehensible technical names allow any conclusions to be drawn about the paints being carried.

At the last session of the UN Sub-Committee of Experts, there was no majority in favour of the original proposal to include new entries for environmental-ly hazardous paints and similar substances, the view being that the problem could be better resolved through special provision 274. It was also pointed out that the description of chemical groups is already permitted as a technical name.

It was noted that UN numbers 3077 and 3082 are often used for certain substances that appear under another UN number when they belong to a hazard class other than Class 9 (e.g. Class 3 for paints and perfumery products). Following a previous discussion in a working group, the UN Sub-Committee of Experts decided that for UN numbers 3077 and 3082, the appropriate technical name can be determined using the names appearing in capital letters in Table A. However, the prerequisite for this is that the entry selected is not itself an n.o.s. entry and that special provision 274 is not assigned to the entry selected.

Exemption for cargo tracking units and data loggers

At its July 2017 session, the UN Sub-Committee of Experts provisionally adopted an exemption provision for cargo tracking units and data loggers. The aim of this exemption is to avoid these devices, which are operated by lithium batteries, having to be assigned to UN number 3091 Lithium metal batteries contained in equipment or 3481 Lithium ion batteries contained in equipment (see Bulletin 4/2017, p. 19).

Since that decision, there have been discussions in the UN Sub-Committee...
of Experts on how the same clarification can be achieved for a broader range of products and technologies in order to reduce subsequent special rules for other devices used during carriage.

Chapter 5.5 already contains special provisions for cargo transport units not carrying any dangerous goods, but which pose a risk owing to their having been fumigated. The UN Sub-Committee of Experts decided to include a new section in Chapter 5.5 for dangerous goods in equipment used during carriage or which are intended for use during carriage. This new section will specify that the dangerous goods contained in equipment (e.g. lithium batteries, fuel cell cartridges) must satisfy the same construction and testing provisions as are required for carriage as a consignment. These provisions apply to all equipment containing dangerous goods and which are placed in packages, overpacks, containers or load compartments, even if these means of containment are not carrying any dangerous goods.

Packing

Update of LC50 values in packing instruction P 200

Packing instruction P 200, which applies to gases, sets out the LC50 values for certain gases. The LC50 value is defined as the concentration which, administered by continuous inhalation to both male and female young adult albino rats for one hour, is most likely to cause death within 14 days in one half of the animals tested. These LC50 values were included in the UN Model Regulations and RID/ADR on the basis of the 1995 edition of standard ISO 10298.

As examples, the LC50 value of gases is required in order to classify gas mixtures, determine certain requirements for gas receptacles and exclude certain gas receptacles.

The 2018 edition of this standard takes the most recent toxicological data for these gases into account. The representative of ISO recommended that the values in packing instruction P 200 be aligned with these updated values in the standard.

After the representative of ISO had submitted sources for the modified LC50 values proposed and delegates had had the opportunity to check these sources, the UN Sub-Committee of Experts decided to amend the LC50 values of five gases. As the values for three other gases had not been ascertained on the basis of trials, but by derivation from other values, the UN Sub-Committee of Experts was not in a position to take a decision on them.

Chemicals under pressure used as extinguishing agents

Chemicals under pressure of UN number 3500 are also used in gas based suppression systems. According to special provision 225, these chemicals cannot be carried under UN Number 1044 FIRE EXTINGUISHERS.

Most products used in gas based suppression systems are assigned to UN number 1956 COMPRESSED GAS, N.O.S., as they are exclusively gases and gas mixtures. Pressure receptacles carrying gases of UN number 1956 have a maximum period of 10 years between the periodic inspections. However, for chemicals under pressure containing liquid, pasty or powdery substances that are pressurized by means of a propellant, packing instruction P 206 stipulates an inspection period of 5 years. Before the UN numbers for chemicals under pressure were included in the regulations, these substances were also assigned to UN number 1956, so when the new UN numbers were included, the inspection period was shortened by 50%.

In practice, these extinguishing agents are used in protected storage areas with minimal handling, which means that negative influences, such as internal corrosion, mechanical wear of valves and external damage are significantly reduced.

The UN Sub-Committee of Experts adopted a proposal by the European Chemical Industry Council to increase the period for the periodic inspection of pressure receptacles used for extinguishing agents of UN number 3500 to 10 years. In addition to carriage in cylinders and pressure drums, carriage in tubes with a maximum capacity of 450 litres will also be permitted.

Packing instructions P 400 and P 404

Packing instructions P 400 and P 404 contain provisions to ensure that packagings are hermetically sealed during carriage. For the glass or metal receptacles of combination packagings, for example, a threaded closure with a seal is prescribed.

Although experience in practice shows that both these packing instructions ensure an appropriate level of safety during transport, some problems in terms of occupational safety have been noted. After partial removal of the products, small residues of the pyrophoric substances carried in these packagings can adhere to the threads and may react critically to friction.
caused by screwing the closure back on.

It was noted that packing instructions P 601, P 602 and P 804 provide a more flexible approach for technical solutions that prevent closures from backing off or loosening as a result of impact or vibration during carriage.

The UN Sub-Committee of Experts decided to amend packing instructions P 400 and P 404 and also to permit aluminium drums with removable head (1B2) in packing instruction P 404.

Packing instruction LP 101

For the packing of explosives, large packagings of packing instructions LP 101 and LP 102 may be used, provided one of these two packing instructions is shown in column (8) of Table A for the substance in question.

In a classification test, the United Kingdom had noticed that for explosives to which packing instruction L 134 is assigned, large packagings of packing instruction LP 102 may also be used. On the other hand, the corresponding packing instruction for large packagings LP 101 is not allocated to all substances for which packing instruction P 130 is shown.

As the UN Sub-Committee of Experts was unable to find any reason why no packing instruction for large packagings had so far been allocated to various explosives, it decided to include packing instruction LP 101 for 35 UN numbers.

Transport of waste gas cartridges

For some years, the UN Recommendations and RID/ADR/ADN have contained provisions for waste gas cartridges that enable them to be carried for reprocessing or disposal under less stringent conditions. For example, special provision 327 says that waste aerosols may be carried under UN Number 1950, which is used for new aerosols. They need not be protected against movement and inadvertent discharge, provided that measures to prevent dangerous build-up of pressure and dangerous atmospheres are addressed. In addition, special packing provisions PP 87 and L 2 in packing instructions P 207 and LP 200 stipulate that the packagings must have absorbent material capable of retaining any free liquid that might escape. These special provisions also prescribe that the packagings must be adequately ventilated to prevent the creation of flammable atmosphere and the build-up of pressure.

At present, there are no similar rules for UN 2037 Receptacles, small, containing gas (gas cartridges) without a release device, non-refillable. As gas cartridges look very similar to aerosols (see picture), it can be assumed that the layman is not in a position to distinguish one from the other and disposes of both aerosols and gas cartridges in the same collection containers at public recycling centres.

For the carriage of waste gas cartridges of UN number 2037, the UN Sub-Committee of Experts decided to stipulate the same relaxations as for waste aerosols. However, waste gas cartridges that have contained non-flammable and non-toxic gases and have been pierced are not subject to the regulations, as they no longer pose a hazard. The UN Sub-Committee of Experts nevertheless recognised that it might be necessary to deal in detail with issues relating to the carriage of empty aerosols and gas cartridges for reprocessing or disposal. This discussion should take place at modal level though. The UN Sub-Committee of Experts could then look at whether further provisions need to be included in the UN Model Regulations.

Minimum wall thickness for metal IBCs

Chapter 6.5 prescribes that certain design type tests be carried out for all IBCs, such as the top lift test, stacking test, leakproofness test, hydraulic pressure test, drop test and vibration test. Unlike other types of IBC, Chapter 6.5 lays down precise requirements for the wall thickness of metal IBCs.

The Stainless Steel Container Association was of the view that the provisions for the minimum wall thickness of metal IBCs constituted an obstacle to innovations that could lead to a reduction in the weight of the packaging. It should suffice that metal IBCs pass the required design type tests successfully. The Association substantiated this with tests carried out at the Rhineland Technical Inspection Agency in Halle on an IBC with a wall thickness of 0.97 mm (top), 0.98 mm (sides) and 1.42 mm (bottom), as opposed to the required 1.5 mm. This IBC passed all the design type tests.
of Chapter 6.5. Another argument put forward was that metal IBCs have to be inspected every 2.5 years, so any damage caused by corrosion can be detected.

There was a controversial discussion on this in the UN Sub-Committee of Experts. The representative of Australia pointed out that, owing to the road and extreme heat conditions in her country, there had been several incidents involving metal IBCs. Although all the IBCs had passed all the required tests and met the applicable construction requirements, there had been leaks. Other delegates requested that penetration tests and corrosion resistance tests first be carried out on metal IBCs with a reduced wall thickness.

However, the majority of delegations supported the proposal, as it was consistent with technological progress in the industry and did not jeopardise safety levels. The UN Sub-Committee of Experts adopted the proposal only to allow a minimum wall thickness for metal IBCs with a capacity of more than 1500 litres.

Marking the inner receptacles of composite IBCs

6.5.2.2.4 requires that the marks prescribed for the inner receptacle, such as the approved packing groups, date of manufacture and name of the manufacturer, must be placed in a location so as to be readily visible when the inner receptacle is placed in the outer casing.

At the last session, there had already been a discussion on whether the marks only have to be visible during assembly or also after the inner receptacle has been placed in the outer casing. The UN Sub-Committee of Experts confirmed that the marks also have to be readily visible after the inner receptacle has been placed in the outer casing. If this is not possible due to the construction of the outer casing, a duplicate of the marks must be placed on the outer casing.

Dimensions of the lithium batteries mark

For the lithium batteries mark, the UN Model Regulations and RID/ADR/ADN prescribe minimum dimensions of 120 mm × 110 mm. When the size of the package so requires, the dimensions may be reduced to 105 mm × 74 mm. According to the industry, it is difficult to comply with this provision, because owing to their size, lithium batteries are carried in small packagings and, depending on the mode of transport, other marks also must be affixed to the package (Class 9 hazard label, the inscription “Cargo Aircraft Only”, UN number and proper shipping name). This would mean that lithium batteries would certainly have to be sent in larger packagings, which would cause unnecessary waste.

The UN Sub-Committee of Experts adopted the industry’s proposal to align the dimensions of the mark with the dimensions of the marks for environmentally hazardous substances and limited quantities and to reduce it to 100 mm × 100 mm. There was no majority in favour of a further proposal to allow the mark to be reduced to 50 mm × 50 mm if the size of the package so required, as the warning effect might be lost. A reduction of the dimensions of the mark on small packagings was limited to 100 mm × 70 mm.

Portable tanks

Allowance for corrosion in the wall thickness of portable tanks

The June 2018 session of the UN Sub-Committee of Experts discussed the allowance for corrosion that is prescribed for portable tanks for the carriage of certain substances. During the discussion, the UN Sub-Committee of Experts had specified that the allowance for corrosion must ensure that the minimum wall thickness required is at no time undercut. This interpretation was made clear by means of an amendment to the wording of the special provision for portable tanks TP 19 (see Bulletin 4/2018, p. 20).

At this session, the UN Sub-Committee of Experts adopted a further improvement to the wording of special provision TP 19 by including a reference to the calculation provisions of 6.7.3.4 with regard to the minimum wall thickness. It also adopted an addition to the text of 6.7.3.4.1 to make clear that in addition to the calculation provisions set out in 6.7.3.4, the provisions of certain special provisions have to be observed.

Portable tanks with expired inspection dates

The representative of the United Kingdom drew the attention of the UN Sub-Committee of Experts to two points which, in its view, are not covered in Chapter 6.7. The first point concerns the conditions for the continued use of portable tanks for the carriage of dangerous goods when the prescribed inspection dates have expired. The second point concerns the conditions that should apply to portable tanks that are initially used for non-dangerous goods, but which are later used for the carriage of dangerous goods.

According to information from the representative of the United Kingdom, some portable tanks are first tested and approved for the carriage of dangerous goods, but are then used for the carriage of non-dangerous goods.

The UN Sub-Committee of Experts decided that for such portable tanks, a full 5 year inspection must be carried out, including an internal and external inspection and a hydraulic pressure test.

Next session

The 55th session will be held from 1 to 5 July 2019 in Geneva and will start work on the 22nd revised edition of the UN Model Regulations.

Jochen Conrad
The third RID/ADR/ADN Joint Meeting of the 2018/2019 biennium was held in Berne from 18 to 22 March 2019. 21 States, the European Union, the Committee of the Organization for Cooperation of Railways (OSJD) and 11 non-governmental organisations were represented at this meeting. As usual, the Joint Meeting had a lot of tank-related issues and questions of interpretation to deal with. The work of an informal working group on the testing and certification of tanks, which was set up in 2015, is likely to be completed at the next Joint Meeting.

Tanks
Informal working group on the testing and certification of tanks

The informal working group on the testing and certification of tanks was set up by the RID/ADR/ADN Joint Meeting in March 2015 to establish a common approach for the reciprocal recognition of administrative controls and procedures for conformity assessments, design type approvals and inspections of tanks. The working group was mainly set up because of shortcomings in the certification and construction of tank-vehicles imported into the United Kingdom. In particular, defects detected in the weld seams at that time were so serious that the vehicles had to be withdrawn from service. The main aims of this work are:

- Inspection bodies should be approved on the basis of EN ISO/IEC standard 17020 so as to enable recognition by other RID Contracting States/ADR Contracting Parties.
- Inspection bodies should be responsible for checking the conformity of the complete tank, irrespective of where the various components are manufactured. This inspection body must have its place of business either in the country of manufacture or in the country where the first tank built in accordance with this design type is registered.
- Introduction of "entry into service verification" is to be carried out at the request of the competent authority in order to ensure that the provisions of RID/ADR are met.

With help from the representative of France and the OTIF Secretariat, the amendments to 1.8.6, 1.8.7 and Chapter 6.8 proposed by the informal working group had been published in all three working languages in order to enable a detailed discussion to take place in the working group on tanks. Participants were of the view that only one more meeting of the informal working group would be necessary in order to conclude the work in time for the Joint Meeting in autumn 2019.

Approval of portable tanks as tank-containers

Tank-containers that can be used anywhere in the world and in intermodal transport, which in RID/ADR are described as portable tanks, are sometimes approved as RID/ADR tank-containers as well as being approved as portable tanks. This dual approval can lead to uncertainty during their use, as the specifications of the portable tank instructions are not always identical to the specifications of the tank codes for RID/ADR tank-containers. For example, bottom discharge might be approved for tank-containers, whereas top discharge is prescribed for portable tanks. As a rule, tank-containers are also allowed a greater degree of filling than portable tanks. In addition, there are some entries in RID/ADR where carriage in portable tanks is prohibited, but is allowed in RID/ADR tank-containers.

In order to avoid confusion when using tanks with dual approval, the representative of the Netherlands proposed that tank instructions be developed exclusively for the use of portable tanks in inland transport and that these be included in Table A of Chapter 3.2. As this project would require a lot of work, the representative of the Netherlands wished firstly to obtain agreement in principle for this approach in the working group on tanks.

Several experts were of the view that this approach would eliminate the need for dual approvals. However, most delegations thought that in principle, the inspection bodies should no longer issue any dual approvals. The representative of the Netherlands said he would work on a solution to the problem together with the representative of Belgium.

Heating elements for FRP tanks

The provisions for the design and construction of fibre-reinforced plastics (FRP) tanks stipulate that “heating elements shall not be allowed for FRP tanks”. According to the English and French versions of this provision, "heating elements shall not be used for FRP tanks".

In reply to Germany’s question of interpretation (can heating elements be fitted but not used), the majority were of the view that these tanks may not be fitted with heating elements, as this requirement appears in the Chapter on the design and construction of these tanks.

The Joint Meeting asked delegations to check whether the wording of the provision should be clarified.

Other proposals

Name and description of UN No. 1010 (Butadienes, stabilized)

The representative of Spain pointed...
out a difference in all the language versions between the name and description of UN No. 1010 in the UN Model Regulations and RID/ADR.

In the UN Model Regulations, the description requires a minimum proportion of 40% butadienes in the mixture, whereas RID/ADR/ADN prescribes that at 70°C the vapour pressure must not exceed 1.1 MPa (11 bar) and at 50°C the density of the mixture must not be lower than 0.525 kg/l. As the two descriptions are not equivalent, different mixtures can be carried under UN number 1010, depending on whether the description in the UN Model Regulations or the one in RID/ADR is used.

In the discussions, the question had arisen as to which UN numbers mixtures with less than 40% butadienes would have to be assigned to. It was noted that in Table A, the entries used for these, UN 1965 HYDROCARBON MIXTURE, LIQUEFIED, N.O.S. and UN 3161 LIQUEFIED GAS, FLAMMABLE, N.O.S. indicated virtually the same conditions of carriage. However, special provision 386, which provides information on stabilizing, is not assigned to these two entries. On the other hand, RID/ADR 2.2.2.2.1 has to be taken into account in all cases. This paragraph lays down the precautions that are necessary for chemically unstable gases.

The Joint Meeting decided to align the description of UN number 1010 with the description in the UN Model Regulations.

Online refresher training for drivers of vehicles carrying dangerous goods

ADR Chapter 8.2 deals with the training of drivers of vehicles carrying dangerous goods. In addition to a basic course, specialisation training courses might be required for carriage in tanks, the carriage of explosives of Class 1 and radioactive material of Class 7.

A training certificate has to be issued upon successful completion of the training. The certificate is valid for 5 years. Before the training certificate expires, the vehicle driver has to attend refresher training in order to bring his knowledge up to date. The refresher training, including the individual practical exercises, lasts two days, each with eight training units, each training unit lasting 45 minutes.

The International Road Transport Union (IRU) had initially submitted proposals to WP.15 and then to the Joint Meeting so as to be able to carry out at least the theoretical part of the refresher training using new training methods, such as online courses or video conference courses. This was already possible in some ADR Contracting Parties.

The proposal now submitted to the Joint Meeting would make it possible to carry out one day of the theoretical refresher training as an online course, although the training components that can be taught online are limited.

Most delegations were not opposed to online training in principle, but thought the text proposed by IRU was too open. Although the document described the difficulties involved in online training, it did not propose any measures to overcome these difficulties. Provisions in ADR concerning online training should offer the competent authorities clear guidance in order to ensure that the Contracting Parties all use the same approach.

The representative of IRU was asked to revise his proposal, particularly with regard to the following points:

- a) consider whether provisions similar to those proposed for online training for ADR drivers could be developed for online training of ADN experts (see Chapter 8.2 of ADN);
- b) include provisions to ensure that online training can only be taken in one single session and during work time (i.e. outside rest periods);
- c) allow for a combination of face-to-face and online training;
- d) provide details on the type of certificate or approval to be issued by the competent authority;
- e) simplify the proposed definition of online training and e-learning and clarify the scope and type of online learning;
- f) consider including certain specifications, as described by the representative of IRU, in the provisions of Chapter 8.2 (e.g. examination of the training content of the online training before the practical part of the training is completed).

Special provision CW 36/CV 36

Special provision CW 36/CV 36 is assigned to most gases of Class 2. This special provision stipulates that packages containing these gases must preferably be loaded in open or ventilated wagons/vehicles or open or ventilated containers. If this is not feasible and packages are carried in other closed wagons/vehicles or containers, the cargo doors must be marked with a warning sign indicating the lack of ventilation.

The representative of Switzerland pointed out that carriage could also be performed in closed road vehicles whose load compartment is not separated from the driver's cab. Passenger coaches can also have a load compartment in which gases are carried as express goods. In this case, ventilation also has to be ensured not just when the doors are opened, but also during the carriage of gases to which the additional provision CW 36/CV 36 is assigned.

The Joint Meeting adopted an addition to special provision CW 36/CV 36 according to which compartments that are accessible during transport must be divided from the load compartments if the latter are not ventilated. This amendment was based on the provisions already contained in RID/ADR that ensure the driver's safety during the carriage of substances that can pose a risk of asphyxiation.
Carriage of gases according to special provision 653

Special provision 653 allows the carriage of four asphyxiating gases (UN 1006 Argon, compressed; UN 1013 Carbon dioxide, UN 1046 Helium, compressed; UN 1066 Nitrogen, compressed) in cylinders under less stringent conditions. The minimum requirements to ensure safety during carriage include requirements concerning the construction, testing and packing of the gas cylinders.

The representative of Switzerland was of the view that in order to take advantage of the less stringent conditions of carriage, the provisions for filling the gas cylinders, including those concerning the qualifications and training of the fillers, would also have to be met in order to ensure safety during carriage.

The justification for her proposal was that if personnel were not qualified, it was more likely that gas cylinders would be overfilled with CO2 (liquefied gas). A recent incident in Switzerland had shown that even gas cylinder that complied with the construction and testing provisions could leak during transport. If the temperature increased slightly, e.g. if the vehicle warmed up, the pressure of the CO2 could increase rapidly. In this incident, the excess pressure that had built up during transport in an overfilled 2 litre gas cylinder being carried in a car burst the safety valve and quickly spread gaseous CO2 throughout the vehicle and caused the four occupants to lose consciousness.

The Joint Meeting agreed to include the additional condition in special provision 653 that the provisions concerning the filling of cylinders must also be complied with.

Transport category for UN 3316 CHEMICAL KIT or FIRST AID KIT

For the entry UN 3316 CHEMICAL KIT or FIRST AID KIT, the transport category is determined on the basis of the packing group (see special provision 671). According to special provision 251, the packing group to be indicated in the transport document must be the most stringent packing group assigned to any individual substance in the kit. Special provision 251 also says that where the kit contains only dangerous goods to which no packing group is assigned, no packing group need be indicated on the transport document. At present, special provision 671 says nothing about the transport category for kits containing substances to which no packing group is assigned.

As the most likely dangerous goods with no assigned packing group in a chemical or first aid kit will be an aerosol or other articles, and as the packing instructions for articles are laid down on the basis of packing group II, the Joint Meeting adopted an addition to special provision 671 that in this case, transport category 2 is to be shown in the transport document.

Container/vehicle packing certificate

According to RID/ADR/ADN 5.4.2, if the carriage of dangerous goods in a container or vehicle precedes a voyage by sea, a container/vehicle packing certificate must be provided with the transport document. By means of this certificate, the loader attests that the dangerous goods have been loaded in accordance with the IMDG Code.

As this document has no safety function for land transport, the Netherlands raised the question of whether it is really necessary to attach this certificate to the transport document or whether it should not also be possible to send the certificate directly to the maritime carrier.

The Joint Meeting agreed in principle with the proposal by the Netherlands to delete the obligation to submit the container/vehicle packing certificate during the land transport of container transport together with the transport document. The representative of the Netherlands said he would submit an official proposal to this end.

UN 3536 Lithium batteries in cargo transport units

The Joint Meeting asked the Secretariat to bring this problem to the attention of the UN Sub-Committee of Experts and in particular, to raise the question of whether the term “cargo transport unit” is suitable for these electric storage units.

Next session

The next RID/ADR/ADN Joint Meeting will be held in Geneva from 17 to 27 September 2019. The main task of this session will be the harmonisation of RID/ADR/ADN with the 21st edition of the UN Recommendations on the Transport of Dangerous Goods. This work was prepared by an ad hoc working group that met from 24 to 26 April 2019, also in Geneva.
## CALENDAR OF OTIF’S MEETINGS IN 2019

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## EVENTS WITH OTIF PARTICIPATION IN 2019

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The Bulletin editor