



# Bulletin

**OTIF** Organisation intergouvernementale pour les transports internationaux ferroviaires  
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr  
Intergovernmental Organisation for International Carriage by Rail

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# EDITORIAL

Dear Readers,

The terrible war that has been raging in Ukraine since 24 February is inevitably affecting the work of OTIF, since the countries affected, Russia and Ukraine, are OTIF Member States.

In a statement, together with my colleague Mr Antonowicz, the Chairman of the OSJD Committee, I have therefore referred to compliance with the rules of international law.

At the RID/ADR/ADN Joint Meeting, which is reported on in detail in this edition of the Bulletin, and at other official OTIF meetings, steps which could lead to the exclusion of Member States have been called for. I hope fervently that such measures will ultimately prove unnecessary and that the guns will soon be silent.

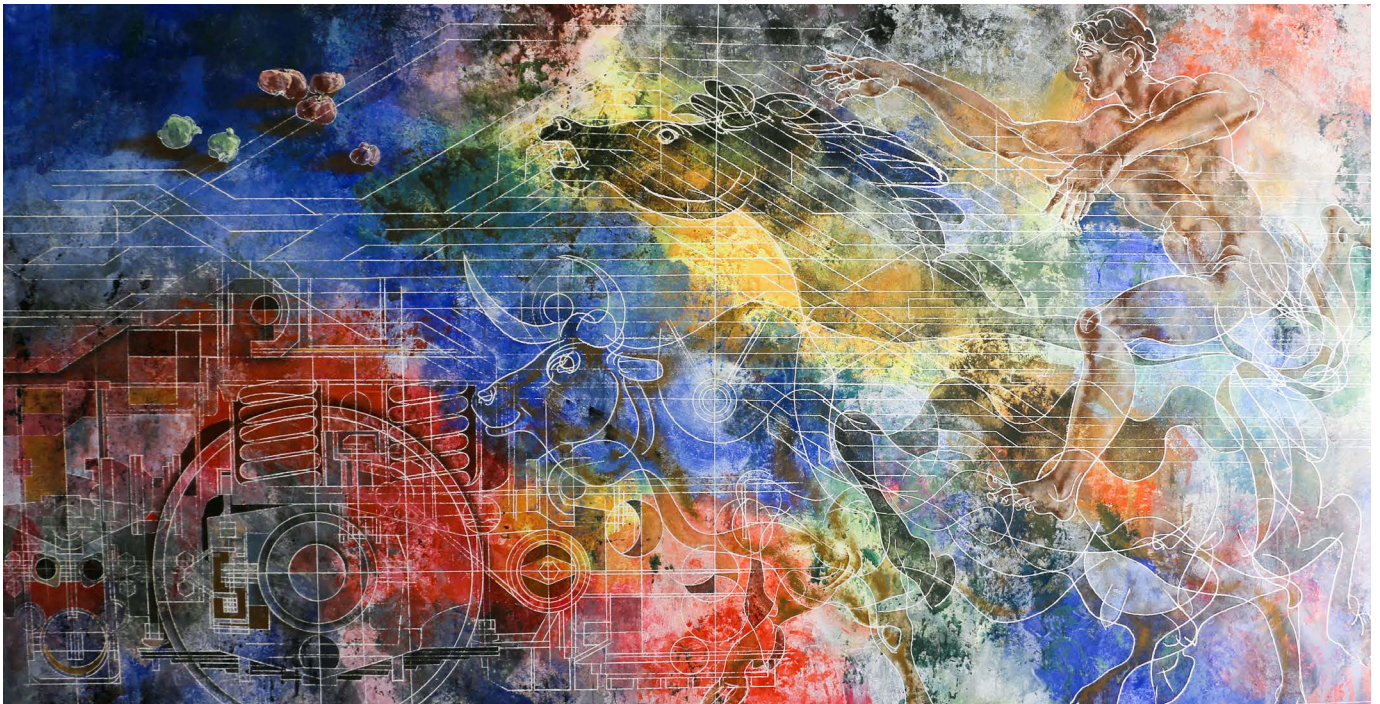
As OTIF's communication officer has been on maternity leave, two issues of the Bulletin have been combined. This somewhat longer edition of the Bulletin also contains an interesting article about the connections between international freight law and customs law and the need to maintain corresponding regulations in the CIM UR.

The question of comprehensive regulation of the involvement of various railway sector representatives (international associations) in OTIF's work is also being pursued more intensively. As part of the work of the ad-hoc Committee on Legal Affairs and International Cooperation, corresponding clarifying regulations have been agreed.

This edition also contains information on new and important "Uniform Technical Prescriptions", which are the technical regulations of OTIF that ensure compatibility with the EU's "Technical Specifications for Interoperability" (TSI). Alignment of these OTIF and EU rules is indispensable for the admission and use of vehicles in international traffic.

I hope you enjoy reading this edition of the Bulletin.

**Wolfgang Küpper**  
Secretary General



Hans Erni, mural, approximately 20m<sup>2</sup>, 1965, entrance to the Secretariat

# OTIF AND OSJD: PROGRESS TOWARDS STRONG COOPERATION

On 18 February 2022, the Secretary General of the Intergovernmental Organisation for International Carriage by Rail (OTIF) Mr Wolfgang Küpper, the heads of the OTIF Secretariat's Legal and Dangerous Goods Departments Mr Aleksandr Kuzmenko and Mr Jochen Conrad, and Mr Dragan Nešić, an expert from the Technical Interoperability Department, met the Chair of the Committee of the Organisation for Cooperation between Railways (OSJD) Mr Mirosław Antonowicz, the Vice-Chairs of the Committee Mr Mikhail Vsevolozhskiy and Mr Zhang Qun, the Chair of the Commission on Transport Law Mr Mykola Nosenko, and the Legal Officer Mr Sławomir Car.

This consultative meeting was part of a series of discussions and meetings which started in March 2021 with the aim of strengthening cooperation between the two

organisations. The ultimate aim of enhanced cooperation is to reduce the negative effects of the fragmentation of railway law and to improve the quality of international railway law.

Currently, cooperation between OSJD and OTIF is based on the Cooperation Agreement of 5 June 1991 and the Common Position of 12 February 2003. In view of the changes in the rail transport sector over the last 20 years, both organisations felt that a new Cooperation Agreement should be concluded.

On 18 February 2022, the Secretary General of OTIF and the Chair of the OSJD Committee examined and approved the draft of the new Cooperation Agreement that had been prepared by the lawyers of both organisations prior to the meeting. The joint draft of the new

Agreement will be submitted to the OSJD and OTIF bodies for amendments and/or approval in the near future, in accordance with the organisations' internal procedures.

Lastly, the meeting participants discussed the feasibility of a joint OTIF-OSJD forum. Proposed by the Secretary General in June 2021 during the OSJD Ministerial Conference, the forum's task would be to examine the specific areas of the two legal systems, identify any problems and make recommendations on the harmonisation of international railway law.

The consultative meeting of 18 February 2022 was conclusive for both organisations and heralds the start of major work on the harmonisation of international railway law.



# 135<sup>th</sup> SESSION OF THE ADMINISTRATIVE COMMITTEE

The Administrative Committee of the Intergovernmental Organisation for International Carriage by Rail (OTIF) held its 135<sup>th</sup> session with its new composition (whose mandate lasts from 1 October 2021 to 30 September 2024). The 15<sup>th</sup> General Assembly elected Belgium to chair the Administrative Committee. This session of the Administrative Committee was held on 23 February 2022 in Berne as a hybrid session.

Some important decisions for OTIF's short-term future were taken. For 2022 and 2023, the budgetary strategy and the provisional budgets were adopted.

The Work Programme was also adopted accordingly.

The biennium that opened in 2022 was therefore officially launched!



## THE 2022-2023 WORK PROGRAMME: FOCUS ON CROSS-CUTTING ISSUES

At its 135<sup>th</sup> session, OTIF's Administrative Committee adopted the 2022-2023 Work Programme proposed by the Secretary General.

For the first time, OTIF's 2022-2023 Work Programme addresses cross-cutting issues that go beyond the responsibilities of the individual departments.

The imminent renovation of the headquarters building is a symbol of robustness that will ensure OTIF's working capacity and its important role in strengthening international rail traffic in the coming decades.

The Work Programme is also made available externally in a digital and paper version.

GENERAL OBJECTIVES  
 A FORUM FOR UNIFORM  
 RAILWAY LAW CONTINUOUS  
 IMPROVEMENT OF SAFETY IN  
 THE TRANSPORT OF DANGEROUS  
 GOODS PROMOTE SAFE  
 TECHNICAL INTEROPERABILITY  
 ENSURE THAT THE SECRETARIAT  
 FUNCTIONS PROPERLY AND THAT  
 THE MEMBER STATES  
 ARE PROVIDED WITH AN  
 EFFICIENT SERVICE  
 THE PROVISION OF  
 ON-TIME HIGH-QUALITY  
 LANGUAGE SERVICES  
 INCREASE AWARENESS OF OTIF

# SPAIN AND SOUTH AFRICA SIGN THE LUXEMBOURG RAIL PROTOCOL

Spain (10 November 2021) and South Africa (22 March 2022) join the list of countries that have already signed the Luxembourg Rail Protocol, such as France, Germany, Italy, Mozambique, Switzerland and the United Kingdom. Gabon, Luxembourg and Sweden have already ratified it and the European Union approved it in 2014.

As a reminder, the Luxembourg Protocol is the Rail Protocol to the Cape Town Convention on International Interests in Mobile Equipment, which was adopted at the Luxembourg diplomatic conference in 2007.

Once this new global instrument comes into force, it will be easier

and cheaper for the private sector to finance all types of railway rolling stock, from high-speed trains to trams.

# OTIF AND THE UNION FOR THE MEDITERRANEAN

At the beginning of 2022, the Secretariat of the Intergovernmental Organisation for International Carriage by Rail (OTIF) received an invitation from the Secretariat of the Union for the Mediterranean (UfM) to participate in the UfM Regional Platform on Transport Connectivity and its Working Groups (WGs); at the heart of their work is the Regional Transport Action Plan (RTAP) and the consolidated version of a new RTAP for the Mediterranean region for the period 2021-2027.

The Secretary General of OTIF, Mr Wolfgang Küpper, responded positively to this invitation and expressed his views on the RTAP in a letter addressed directly to the Secretary General of the UfM, Mr Nasser Kamel. Ms Maria Price, an expert in OTIF's Technical Interoperability Department, attended the Transport Connectivity

Working Group held from 28 to 30 March 2022. Ms Price reiterated the OTIF Secretary General's message.

The Secretary General of OTIF expressed his enthusiasm for the UfM members' commitment to move towards a stable trans-Mediterranean transport network and mobility system.

The 28 actions of the RTAP are clearly oriented towards the integration of transport at regional and international level and actions 19 and 20 are particularly relevant for OTIF as they encourage ratification and implementation of the Convention concerning International Carriage by Rail (COTIF). The RTAP also provides for enhanced cooperation with OTIF.

The OTIF Secretariat expressed its support for the UfM's actions on rail transport.

**The Union for the Mediterranean (UfM) is an intergovernmental Euro-Mediterranean organisation bringing together 42 Member States: the countries of the European Union and the 15 countries of the southern and eastern Mediterranean. It provides a forum for strengthening regional cooperation and dialogue, and for the implementation of specific initiatives and projects. Member States meet regularly at the level of senior representatives of the Ministries of Foreign Affairs and the League of Arab States. Jordan and the European Union provide the co-chairs.**

**UfM's work is divided into two areas: human development and sustainable development, in which transport is an important issue.**



# OTIF



Union for the Mediterranean  
Union pour la Méditerranée  
الاتحاد من أجل المتوسط

## 2<sup>nd</sup> SESSION OF THE AD HOC COMMITTEE ON LEGAL AFFAIRS AND INTERNATIONAL COOPERATION

OTIF's ad hoc Committee on Legal Affairs and International Cooperation held a hybrid session in Geneva from 5 to 7 April 2022.

25 Member States, the European Union and four international organisations and associations participated or were represented at the meeting: Austria, Belgium, Croatia, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, Poland, Portugal, Romania, Serbia, Slovakia, Spain, Sweden, Switzerland and the United Kingdom, as well as the United Nations Economic Commission for Europe (UNECE), the International Rail Transport Committee (CIT), the International Union of Private Wagons (UIP) and RailNetEurope (RNE).

A number of important issues were discussed and decisions were taken.

Firstly, the ad hoc Committee updated its [2022-2024 Work Programme](#).

Secondly, with regard to the digitalisation of freight transport documents, the ad hoc Committee instructed the Secretariat to carry out a survey of OTIF members and stakeholders on the national law applicable to electronic rail transport documents and on the



use of electronic rail transport documents in national and international traffic.

With regard to the use of inclusive language, the ad hoc Committee confirmed that OTIF's legal instruments do not have a discriminatory effect. It then decided in principle to support the use of inclusive language in OTIF's legal instruments. It also considered that initially, the introduction of gender-neutral language should be limited to the provisions of legal instruments under binding or non-binding institutional law which is addressed to natural persons or which refers to specific roles, positions or offices. Lastly, it decided to support the establishment of guidelines on the use of gender-neutral language

within the Organisation to ensure its consistent use.

Other topics were discussed and decisions were taken at this 2<sup>nd</sup> session of the ad hoc Committee on Legal Affairs and International Cooperation. Examples include the adoption of the "Recommendation on involving stakeholders in OTIF's work" (see page 17 of this Bulletin) and the decisions on the interfaces between customs regulations and the CIM UR (see page 14 of this Bulletin).

Thanks to the Member States and international organisations, the April session was a success because of the constructive discussions and structuring decisions.

# MODIFICATIONS TO COTIF 1999 ADOPTED BY THE GENERAL ASSEMBLY: UPDATE ON APPROVALS

At its 12<sup>th</sup> session (Berne, 29 and 30 September 2015), the General Assembly adopted modifications to the base Convention and to Appendices D (CUV), F (APTU) and G (ATMF).

Three years later, at its 13<sup>th</sup> session (Berne, 25 and 26 September 2018), the General Assembly also adopted modifications to the base Convention and Appendices E (CUI) and G (ATMF). It was also decided to create a new Appendix H (EST).

The related depositary notifications were published on OTIF's website:

- 12<sup>th</sup> Session:  
[http://otif.org/en/?page\\_id=1104](http://otif.org/en/?page_id=1104)
- 13<sup>th</sup> Session  
[http://otif.org/en/?page\\_id=1061](http://otif.org/en/?page_id=1061)

In accordance with Article 34 § 2 of COTIF, modifications to the base Convention, including Appendix H (EST), enter into force twelve months after they have been approved by two thirds of the Member States in accordance with their national law, i.e. at present once 32 Member States have approved them.

In accordance with Article 34 § 3 of COTIF, modifications to the Appendices enter into force twelve months after their approval by half of the Member States which have not made a declaration of non-application of the Appendix concerned pursuant to Article 42 § 1, first sentence of COTIF.

With regard to the amendments to Appendices D (CUV), F (APTU) and G (ATMF), 22 Member States need to approve them and 21

Member States need to approve the amendments to Appendix E (CUI).

With regard to the modifications adopted by the 12<sup>th</sup> General

Assembly, the depositary (Secretary General) has so far received instruments of approval from 16 states.

Instruments deposited as at 1 June 2022:

MEMBER STATE	INSTRUMENT	DATE
Switzerland	Approval	21 October 2016
Sweden	Approval	13 March 2017
Finland	Acceptance	10 April 2017
Netherlands	Acceptance	1 May 2017
Hungary	Ratification	1 June 2017
Spain	Acceptance	23 August 2017
Germany	Approval	12 October 2017
Estonia	Acceptance	15 January 2018
Belgium	Approval	19 January 2018
Slovakia	Approval	30 April 2018
North Macedonia	Approval	1 May 2018
France	Approval	31 July 2018
Austria	Acceptance	21 August 2019
Luxembourg	Ratification	18 December 2019
Türkiye	Ratification	1 October 2020
Romania	Acceptance	28 December 2020

With regard to the modifications adopted by the 13<sup>th</sup> General Assembly, the depositary (Secretary

General) has so far received instruments of approval from 10 states.

Instruments deposited as at 1 June 2022:

MEMBER STATE	INSTRUMENT	DATE
Finland	Acceptance	25 September 2019
Switzerland	Approval	06 February 2020
Germany	Approval	6 May 2020
France	Approval	19 August 2020
Hungary	Ratification	3 July 2020
Belgium	Approval	5 November 2021
Netherlands	Acceptance	12 January 2022
Luxembourg	Ratification	28 February 2022
Slovakia	Approval	24 March 2022
Estonia	Approval	29 April 2022

# DEPOSITARY NOTIFICATIONS

Since 15 December 2021 ([Bulletin 4/2021](#))

<a href="#">NOT-22001</a>	28.01.2022	Corrections to the CIV Chapters of Germany's list of maritime and inland waterway services "Rostock – Trelleborg" line (Circular letter 29)
<a href="#">NOT-22002</a>	28.01.2022	List of CIV maritime and inland waterway services (circular letter 30)
<a href="#">NOT-22003</a>	28.01.2022	List of CIM maritime and inland waterway services (circular letter 24)
<a href="#">NOT-22006</a>	21.01.2022	Netherlands – Acceptance of the amendments to COTIF and Appendices E and G adopted by the 13 <sup>th</sup> General Assembly
<a href="#">NOT-22008</a>	01.03.2022	Entry into force of amendments to Appendix I of the UTP TAF (Telematics Applications for Freight)
<a href="#">NOT-22019</a>	29.03.2022	Luxembourg – Ratification of the amendments to COTIF and Appendices E and G adopted by the 13 <sup>th</sup> General Assembly
<a href="#">NOT-22020</a>	29.03.2022	Slovakia – Approval of the amendments to COTIF and Appendices E and G adopted by the 13 <sup>th</sup> General Assembly
<a href="#">NOT-22023</a>	31.03.2022	Letter from the Ambassador of Ukraine to Switzerland
<a href="#">NOT-22026</a>	02.05.2022	List of CIM railway lines (circular letter 17)
<a href="#">NOT-22029</a>	16.05.2022	Estonia – Approval of the amendments to COTIF and Appendices E and G adopted by the 13 <sup>th</sup> General Assembly
<a href="#">NOT-22030</a>	16.05.2022	CIV list of railway lines (circular letter 7)
<a href="#">NOT-22031</a>	16.05.2022	CIM list of railway lines (circular letter 18)



## THE UNIVERSAL POSTAL UNION AND OTIF: A HIGH-LEVEL MEETING

Following the appointment of the new Director General of the Universal Postal Union (UPU), Mr Masahiko Metoki, a meeting was held on 27 January 2022 with the Secretary General of OTIF, Mr Wolfgang Küpper.

In 2018, OTIF and UPU established the framework for their cooperation in a [Memorandum of Understanding](#) that allows them to work together on operational issues.

The purpose of the meeting on 27 January 2022 was to meet the new UPU management and to take stock of the two organisations' mutual news, arrangements for cooperation and future rail/post projects.

From UPU, the following attended the meeting: Mr Masahiko Metoki, UPU Director General, Mr Marjan

Osvald, Deputy Director General, Mr Olivier Boussard, Director of the Private Office a.i., Mr Akio Miyaji, Special Advisor, Private Office Directorate, and Mr Abdellah Bousseta, Director, Postal Operations Directorate. On behalf of OTIF, Mr Küpper, the Secretary General and Ms Lunesterline

Andriamahatahitry, head of the Administration and Finance Department were present.

The Secretary General of OTIF welcomed this meeting.



## NEW WORKSHOPS FOR THE GULF COOPERATION COUNCIL

On 21 February 2022 the head of OTIF's Legal Department, Mr Aleksandr Kuzmenko, conducted a remote workshop with the members of the Gulf Cooperation Council involved in the railway project.

The workshop was dedicated to passenger transport. Mr Kuzmenko presented the general characteristics and benefits of the Uniform Rules concerning

the Contract of International Carriage of Passengers by Rail (CIV UR). He then went into the details of the contract and the responsibilities of the parties to the contract.

This workshop followed on from the workshops held in September 2020 and March 2021 on the international transport of dangerous goods by rail and technical interoperability. The

experts from the GCC and its Member States are actively working with experts from the OTIF Secretariat to achieve accession in order to put in place railway regulations that are compatible with the rules of COTIF. The Secretariat welcomes these workshops as an example of the vitality of the Memorandum of Understanding signed in 2014.

# OTIF'S PARTICIPATION IN THE EUMedRail TRAINING SEMINAR

Since 2016, the European Commission and the Secretariat of the Intergovernmental Organisation for International Carriage by Rail (OTIF) have been establishing synergies between the workshops organised under the Euromed Partnership Rail Interoperability and Safety Project (EUMedRail) and OTIF's activities.

The Secretariat of OTIF regularly takes part in various EUMedRail seminars. This year, from 7 to 10 March, the Secretariat participated in the "Safety Management System (SMS)" training seminar, which was held online and remotely. The main objective of the SMS training seminar was to explain and analyse the European Union's requirements in terms of SMS to Algerian (SNTF) and Tunisian (SNCFT) railway operators.

After the representative of the European Union Agency for Railways (ERA) had spoken about technical harmonisation in international rail transport through OTIF membership and application of the Convention concerning International Carriage by Rail (COTIF), Ms Maria Price, an expert in OTIF's Technical Interoperability Department, presented the Organisation. She explained that OTIF's task was to develop uniform legal regimes for international rail transport in the areas of rail contract law, transport of dangerous goods and technical interoperability. She said that COTIF was the founding text of OTIF, defining how the Organisation functions, its objectives, tasks, relations with the Member States and all its activities.

Ms Price then gave an overview of the provisions and work carried out by OTIF on the Uniform Rules concerning the [safe operation](#)

## of trains in international traffic

- Appendix H to COTIF, EST UR - including safety certification and monitoring. She added that this appendix was based directly on the EU's legislative and regulatory framework for safety management systems and that it ensured the equivalence of operational safety provisions on the basis of harmonised procedures both within and outside the EU (responsibility of railway actors, risk management, obligation to implement an SMS, cooperation and exchange of information between railway actors, certification and monitoring by competent authorities).

Lastly, she said that Appendix H had not yet entered into force, but that OTIF had already started drafting the annexes to facilitate harmonised implementation of the requirements.

## Beneficiary countries of the EUMedRail project

Algeria	Member State
Egypt	
Israel	
Jordan	Associate member
Libya	
Lebanon	Membership suspended
Morocco	Member State
Palestine	
Tunisia	Member State

## Members of OTIF

**The EuroMed Rail Interoperability and Safety Project (EUMedRail), funded by the European Commission, is a cooperation project between the European Union and southern Mediterranean countries. Since 2018, it has been led by the EU Agency for Railways.**

Its objective is to improve the operation and efficiency of the Mediterranean rail transport system through regulatory reforms, training and dialogue with decision makers.

There are strong synergies and complementarities between the EUMedRail project and the long-term development of OTIF. The OTIF Secretariat works closely with the team responsible for implementing the EUMedRail project, particularly in order to explain the advantages of joining OTIF and applying COTIF:

1. Harmonising approaches between countries will allow for economies of scale for technical rail products, as well as operational and institutional alignment.
2. The European Union solutions promoted by the EUMedRail project are fully compatible with COTIF.
3. COTIF provides a comprehensive international legal framework for
  - contracts of carriage by rail,
  - the carriage of dangerous goods by rail,
  - the mutual recognition of railway vehicles and specific services relating to these vehicles, such as maintenance.
4. For states that do not currently have international rail links, COTIF also offers possibilities for intermodal applications within the framework of RID and CIM, e.g. when goods are carried by rail and sea under one and the same contract.

# TECHNICAL MEETING OF THE PARTNERSHIP OF INTERNATIONAL ORGANISATIONS FOR EFFECTIVE INTERNATIONAL RULE-MAKING

For some years now, the OTIF Secretariat has been actively participating in the Partnership of International Organisations organised by the Organisation for Economic Co-operation and Development (OECD). The Secretariat has committed itself to more effective international rule-making and better international coordination.

On 21 April 2022, the head of OTIF's Legal Department, Mr Aleksandr Kuzmenko, went to Paris, France, to attend the "Technical meeting of the Partnership of international organisations for effective international rule-making". Participants in the meeting included the World Customs Organization (WCO), the World Trade Organization (WTO), the United Nations Commission on International Trade Law (UNCITRAL) and others. The main objective was to agree a two-year plan of action and three themes were selected for the next two years:

1. Agility of international instruments: exploring how IOs can promote international

instruments that are flexible enough to address rapidly evolving policy needs while, at the same time, maintaining risk-based and human-centred regulatory approaches.

2. Inclusiveness of international rule making: developing a practical mapping of the diverse landscape of actors participating in international rule-making and reviewing current co-ordination practices among a broad range of different international actors.
3. Impact of international instruments: highlighting

methodologies and governance systems that support regular monitoring, measuring and assessment of international instruments' impact and to inform citizens and governments.

It is crucial to strengthen cooperation between OTIF and other relevant international organisations and associations so that the Organisation can achieve the aim it has been given under Article 2 of the Convention concerning International Carriage by Rail (COTIF).



## AT THE 2022 TRANSPORT FORUM IN VIENNA

The theme of the 2022 Transport Forum (“Forum Verkehr 2022”) which took place in Vienna, Austria, on 26 and 27 April 2022, was “Decarbonisation and Sustainable Development”. Mr Bas Leermakers, head of OTIF's Technical Interoperability Department, spoke on the first day of the Forum.

26 April 2022 was a day dedicated to the challenges facing rail transport in terms of infrastructure and interoperability for sustainable and intelligent mobility in the framework of energy transition. Mr Leermakers spoke about the crucial role of rail transport in energy transition and the structuring role of OTIF. He noted that international rail transport is still often a combination of consecutive national operations, with long stops at border stations. He stressed that technical harmonisation,

political will and investment are needed to change the situation. He suggested that the railways should learn from other modes, such as the use of a single operational language in international aviation. He emphasised that the European Union (EU) is leading the way, with huge investments in interoperability.

However, he emphasised that international coordination remains very important in terms of ensuring that the rules are compatible beyond the EU. He concluded that OTIF was the appropriate forum for such coordination.



## TECHNICAL INTEROPERABILITY, A GOAL SHARED WITH THE EU – ERA’S ERTMS 2022 CONFERENCE

On 27 April 2022, OTIF's Secretary General, Mr Wolfgang Küpper, took part in the round table discussion on the second day of the ERTMS 2022 Conference, organised by the European Union Agency for Railways.

The European Rail Traffic Management System (ERTMS) Conference was held from 26 to 28 April 2022 in Valenciennes, France. The second day of the conference highlighted the main advances in the harmonisation of rail traffic management in the European Union over the last decade and examined the future of ERTMS in terms of innovation and digitalisation.

Technical interoperability is an important objective that OTIF is pursuing in cooperation with the European Union.

In 2011, the European Union acceded to COTIF and since then

OTIF, through its Secretariat, has been working closely with the European Commission's Directorate -General for Mobility and Transport via the EU Agency for Railways.

For example, OTIF's Uniform Technical Prescriptions (UTP), which are the basis for the admission of railway vehicles to international traffic, are compatible with the European Union's Technical Specifications for Interoperability (TSI).

Mr Küpper welcomed the progress made on the harmonisation of rail traffic management. In order to achieve greater technical interoperability, rapid and widespread implementation of the stabilised European rail traffic management system is desirable. Lastly, Mr Küpper emphasised the importance of close cooperation with the EU Agency for Railways to ensure that technical rules are passed on beyond the European Union.



## ON THE OCCASION OF THE RAIL WORKING GROUP’S ANNUAL GENERAL ASSEMBLY

On Tuesday 3 May 2022, the Secretary General of the Intergovernmental Organisation for International Carriage by Rail (OTIF), Mr Wolfgang Küpper, was invited to present OTIF to participants at the Rail Working Group’s 14<sup>th</sup> Annual General Assembly.

The Rail Working Group (RWG) represents the rail industry's position on the adoption and implementation of the Luxembourg

Rail Protocol. The Protocol sets up a new legal regime for the recognition and enforcement of securities of lenders, creditors and conditional sellers when these securities are in railway rolling stock. Its aim is to facilitate the financing of railway rolling stock by private investors.

The Secretary General of OTIF gave an overview of the Organisation's role and its future tasks when the Protocol enters into

force. According to Article 12 of the Luxembourg Protocol, OTIF will be the Secretariat of the Supervisory Authority for the supervision of the future International Registry for railway rolling stock.

The Secretary General of OTIF was pleased to be invited and to be given the opportunity of presenting OTIF in parallel with the meeting.

# CUSTOMS AND RAIL REGULATIONS WHEN OTIF COOPERATES IN A CROSS-CUTTING MANNER

The World Customs Organization (WCO) organised from 3 to 5 May 2022 in Seoul, Korea, an Asia/Pacific regional railway workshop *Asia Pacific Regional Railway Workshop*. The hybrid format enabled Ms Iris Gries, an expert in OTIF's Legal Department, to take part remotely.

The event was sponsored by the Korea Customs Cooperation Fund (CCF/Korea). In addition to OTIF, the Universal Postal Union (UPU), CIT, CER and UIC also participated.

The aim of the workshop was to share experience at customs level in rail transport. It was part of the rail project started by WCO in 2019 to harmonise and facilitate rail transport. In July 2022, WCO will publish "Railway Guidance".

After describing OTIF and COTIF, Ms Gries gave a detailed and clear presentation of the interfaces between the CIM Uniform Rules and the customs regulations.

She emphasised that even though

OTIF has no competence, in substance, in the area of customs, OTIF could deal with them to the extent necessary to implement its core competence according to Article 2 of COTIF. On this basis, the OTIF Secretariat was able to establish its cooperation with WCO and was honoured to make its contribution, albeit modest, to the WCO's "Railway Guidance". The Secretariat of OTIF can only welcome this.

## MIDDLE EAST RAIL 2022

OTIF's Secretary General, Mr Wolfgang Küpper, was invited to speak at the major "Middle East Rail 2022" event hosted by Etihad Rail in Abu Dhabi.

On 18 May 2022, he presented the Convention concerning International Carriage by Rail (COTIF) as a legal framework capable of integrating different regional models, a legal framework that ensures the co-existence of different rail systems. COTIF

provides for both legal and technical interoperability. The Convention can play an important and structuring role in the Gulf Cooperation Council (GCC) railway project.

"Middle East Rail 2022" provided an opportunity to continue strengthening working relations with the GCC. In 2014, a Memorandum of Understanding (MoU) was signed between OTIF and the GCC General Secretariat

and numerous discussions and meetings have taken place at regular intervals since then. Recently, the OTIF Secretariat organised training workshops for managers involved in the railway project within the GCC.

The Secretary General of OTIF was pleased to have been invited as a speaker at the Middle East Rail Conference.

# INTERFACES BETWEEN CUSTOMS AND TRANSPORT REGULATIONS

The issue of interfaces between customs and transport regulations was initially included in the 2019-2021 work programme of the Working Group of Legal Experts that was set up by the Secretary General of OTIF in December 2018. This working group was dissolved in October 2021.

At its 15<sup>th</sup> session in September 2021, the General Assembly established the ad hoc Committee on Legal Affairs and International Cooperation which, inter alia, took over the activities of the Working Group of Legal Experts.

The aim was not only to identify the actors concerned by these interfaces, but also and above all to evaluate the interfaces between customs and transport regulations and, if necessary, to propose measures accordingly for customs matters relating to rail freight transport.

## The CIM UR and the common transit procedure

Although OTIF has no competence in customs matters, the CIM Uniform Rules contain, inter alia, a provision, Article 6 "Contract of Carriage", § 7, which states that:

*"In the case of carriage which takes place on the customs territory of the European Union or the territory on which the common transit procedure is applied, each consignment must be accompanied by a consignment note satisfying the requirements of Article 7."*

This provision, which does not directly concern transport law, but rather customs law, was adopted when COTIF was revised in 1999 on the basis of a proposal from the

European Commission (formerly DG XXI) in order to ensure application of the common transit procedure and hence also to do away with customs checks at borders, not just on the customs territory of what has become the EU, but also on the customs territory on which this procedure is applied.

The Explanatory Report clearly explains that § 7 *"includes a provision desired by the European Commission, which does not directly concern transport law but constitutes a provision of customs law [...]. The objective of this provision is to guarantee, also in the interest of the railways, that the simplified Community/Common customs transit procedure of the EC/EFTA can continue to be applied."*

It should be noted that the Union transit procedure is used for customs transit operations between Member States (and Andorra and San Marino). In general, it is applicable to the transport of non-EU goods, for which customs duties and other import taxes are involved, and Community goods, which, between their point of departure and destination in the EU, must pass through the territory of a third country.

The common transit procedure is used for the transport of goods between the EU Member States, the EFTA countries (Iceland, Norway, Liechtenstein and Switzerland), Türkiye (since 1 December 2012), the Republic of North Macedonia (since 1 July 2015), Serbia (since 1 February 2016) and the United Kingdom (since 1 January 2021). The procedure is based on the Convention of 20 May 1987 on a common transit procedure. The rules are in effect identical to those

for Union transit.

In accordance with the Community Customs Code and its implementing provisions, railway undertakings benefited from a simplified transit regime for goods carried by rail or in large containers.

Formalities under the common/Community transit procedure were therefore simplified for the carriage of goods by railway companies with a CIM consignment note. The paper CIM consignment note was therefore a valid Community transit declaration.

## Customs modernisation: making all customs formalities paperless

The Union Customs Code (UCC), which entered into force on 30 October 2013, has been applicable since 1 May 2016. It is part of the modernisation of customs. Its essential objective in particular is to make all customs formalities paperless and it therefore provides for an end to paper documents.

It was on this basis that on 17 December 2015, the European Commission adopted a regulation concerning the transitional measures for certain provisions of the UCC where the IT systems are not yet operational. In accordance with this regulation, and until the new Computerised Transit System (NCTS) is upgraded, the EU's paper-based transit regime applies particularly to goods carried by rail and the paper consignment note continues to be used as a transit declaration.

The NCTS is an electronic (customs) transit system based on the

exchange of electronic messages. In particular, these messages replace the various paper documents. Electronic messages are exchanged at three levels:

- between economic operators and the customs authorities (“external area”),
- between the customs offices of a country (“national area”),
- between the national customs administrations and between these administrations and the European Commission (“common area”).

Before 1 May 2016, the NCTS already applied to all common/ Community transit operations, whichever mode of transport was concerned, with the exception of the simplified transit procedures, for which the transit declaration is provided by a commercial document (the waybill or a consignment note, for example, in the simplified “air”, “sea” or “railway” procedures).

However, current EU customs legislation limits the use of electronic transport documents as a customs transit declaration to air and sea transport. Rail transport is categorically excluded.

In these conditions, the link between the CIM contract of carriage and the simplified transit procedure disappears. The roll-out of NCTS 5, which will mean the end of the paper-based procedure, is planned between 2021 and 2023.

The rail transit system will have to be adapted to the NCTS procedure and will in particular have to find relevant interfaces with its own digital information system.

### Consultation of OTIF members and interested parties

The Secretariat of OTIF submitted

an initial document on interfaces between customs and transport regulations to the 4<sup>th</sup> session of the Working Group of Legal Experts (April 2021).

Although the CIM Uniform Rules do not regulate customs procedures, they take them into account in their regulation of the relationship between the parties to the contract of carriage.

In addition to Article 6 § 7, a number of provisions of the CIM Uniform Rules take account of customs procedures, in particular: Article 2 “Prescriptions of public law”; Article 6 “Contract of carriage”, § 8; Article 7 “Wording of the consignment note”; Article 10 “Payment of costs”, § 1; Article 15 “Completion of administrative formalities”; Article 36 “Loss of right to invoke the limits of liability”; Article 17 “Delivery”, § 1 and § 2, letter a); Article 30 “Compensation for loss”.

Following a decision taken by the Working Group of Legal Experts at its 4<sup>th</sup> session, on 16 July 2021 the Secretariat launched a consultation with the members of OTIF and interested parties on the need to amend the customs provisions in the CIM UR. This consultation was open until 16 September 2021.

In total, the OTIF Secretariat received 14 responses from Member States, the regional economic integration organisation and interested parties: the EU, Germany (Federal Ministry for Justice and Consumer Protection), Belgium, France (Directorate General of Customs), Hungary, Portugal, the United Kingdom, Sweden, Switzerland (Federal Customs Administration), CER in coordination with CIT, DB Cargo Belgium bv, DB Cargo Nederland N.V, TCDD (Turkish Railways - General Directorate of TCDD Transport JSC) and a law firm in Paris.

The responses to the first eleven

questions were submitted to the 1<sup>st</sup> session of the ad hoc Committee on Legal Affairs and International Cooperation in November 2021. Owing to time constraints, the ad hoc Committee was not able to analyse all the issues.

With a view to the 2<sup>nd</sup> session of the ad hoc Committee, which took place in April 2022, the Secretariat analysed the responses given in the 2021 consultation. In a specific document, it set out its thoughts on the possible modification of the provisions relating to customs in the CIM UR and the possible follow-up they should receive in order to guide the ad hoc Committee in its decisions on possible modifications to the CIM UR in this area.

### Comments on the interface between customs regulations and the CIM UR

The ad hoc Committee examined one by one the responses given in the consultation and the reflections formulated by the Secretariat.

In general, the views expressed on the interface between customs regulations and the CIM UR in the consultation launched by the Secretariat in July 2021 can be summarised as follows:

- There is an interface between customs regulations and the CIM UR.
- However, this does not mean that the provisions of transport law must be fully harmonised with those of customs law.
- The general and sometimes abstract wording of the CIM UR offers sufficient flexibility to be applied in a practical way.
- The general wording of the CIM UR also offers flexibility which allows these rules to be applied to a range of situations, both within the EU and among the



signatories to the Convention on a common transit procedure, and outside.

- Furthermore, the provisions in question do not refer to particular types of customs procedures and are not therefore affected by the digitalisation of customs procedures.
- Railway undertakings must check on a number of obligations with regard to customs matters.
- Rail representatives are invited to the relevant workshops as external stakeholders. They are aware of the forthcoming new

rules and should assess the relevance of the CIM UR once the new customs systems are fully implemented.

The Secretariat concluded that there was no urgent reason to adapt the CIM UR because of the new customs rules and that it was up to the sector to assess the relevance of the provisions in the light of the new customs rules that will be put in place, but without amending the CIM UR to bring them into line with the EU customs rules.

Following the discussions, the ad hoc Committee noted the views expressed during the consultation launched by the Secretariat in July

2021 on the interfaces between customs and transport regulations, as well as the Secretariat's reflections on possible modification of the customs provisions of the CIM UR.

It also decided that Article 6 § 7, Article 7 § 1 n), Article 10, Article 15, Article 17 § 1 and § 2 a), Article 30 § 4 and Article 36 of the CIM UR should not be modified.

**Iris Gries**

# RECOMMENDATION ON INVOLVING STAKEHOLDERS IN OTIF'S WORK

*At its 2<sup>nd</sup> session, the ad hoc Committee on Legal Affairs and International Cooperation adopted a 'Recommendation on involving stakeholders in OTIF's work'. The Recommendation establishes a transparent, non-discriminatory, inclusive and efficient framework policy for involving stakeholders in the work of OTIF.*

## Background

In accordance with its 2022-2024 Work Programme, the ad hoc Committee on Legal Affairs and International Cooperation (hereinafter ad hoc Committee) should '[d]evelop an inclusive and transparent stakeholder involvement policy in order to promote COTIF, develop railway law and monitor and assess existing legal instruments'.

In order that OTIF can achieve its goals, effective cooperation with relevant international organisations and associations is required. The Base Convention itself refers to international organisations and associations and sets out the conditions for participating in meetings of the General Assembly and Committees, except the Administrative Committee. It should be mentioned that OTIF's practice of involving international organisations and associations varies between the different organs. The variation is due to the subject matter of the relevant OTIF organs (e.g. contractual law, transport of dangerous goods or technical interoperability) and the fact that different departments of the OTIF Secretariat provide the secretariat functions.

The involvement of stakeholders is closely linked to another legal instrument developed by the

Working Group of Legal Experts (predecessor of the ad hoc Committee) and adopted by the General Assembly at its 15<sup>th</sup> session - 'Decision on the monitoring and assessment of legal instruments' (OTIF-21002-AG 15).

In particular, the preamble of the decision, among other matters, emphasises that '[...] successful implementation of the monitoring and assessment of legal instruments depends on the active involvement and participation of the Member States, regional organisations and relevant stakeholders'.

At its 2<sup>nd</sup> session, the ad hoc Committee adopted a 'Recommendation on involving stakeholders in OTIF's work' (OTIF-22002-JUR 2). This legal instrument is in the form of a recommendation because each organ referred to in Article 13 of COTIF functions independently in accordance with its Rules of Procedure. Some important differences with regard to the legal nature of the subjects dealt with by different organs also have to be taken into account, for instance, regulation of contracts, transport of dangerous goods or technical interoperability rules. The proposed form of a recommendation leaves each organ sufficient leeway in terms of how (or if) they wish to implement it.

## Stakeholders and their involvement in the work of OTIF

A stakeholder, in a broad sense, means a natural or legal person affected by OTIF's legal instruments or with a legitimate interest in them. For the purpose of the Recommendation, only

legal instruments in the area of railway transport are relevant. Consequently, in practical terms, stakeholders are different actors affected by legal instruments (such as passengers, railway undertakings, infrastructure managers, etc.) or having a legitimate interest in them (such as national or international associations representing railway undertakings, infrastructure managers, etc.). Moreover, academic institutions, academics, researchers and experts in a broad sense may have a professional interest in relevant OTIF legal instruments.

Considering the large number of individual stakeholders (e.g. passengers, carriers, etc.), OTIF cannot actively involve each of them individually. However, that does not preclude such individual stakeholders from participating in open consultations directly or from being involved in the work of OTIF through international associations. Consequently, OTIF organs should develop and structure the active involvement of international associations representing the interests of the railway sector (e.g. passengers, carriers etc.) and academic institutions, academics, researchers and experts in railway transport.

The purpose of involving stakeholders is to include them actively in developing, applying, disseminating, promoting, monitoring, and assessing OTIF's legal instruments in the area of railway transport.

Even though cooperation with relevant intergovernmental organisations in the area of transport or in other areas that have an interface with railway transport is also of crucial importance, such

cooperation should remain subject to specific written or unwritten agreements. Moreover, at its 2<sup>nd</sup> session, the ad hoc Committee added an additional activity under the item of its 2022-2024 Work Programme entitled 'Enhancing stakeholder involvement within OTIF', which is to - prepare guidelines on cooperation with international intergovernmental organisations.

### Principles for involving stakeholders in the work of OTIF

The following principles should be complied with in involving stakeholders in the work of OTIF:

- compliance with COTIF, in particular, OTIF's aim, institutional structure and decision-making rules;
- without compromising OTIF's legal status as an independent intergovernmental organisation, its reputation and credibility;
- mutual respect and integrity;
- proportionality, transparency, non-discrimination and inclusiveness of a broad and balanced representation of stakeholders;
- stakeholders' conduct and input should be lawful, credible and accurate;
- stakeholders' participation in relevant OTIF activities will not be remunerated.

### Registered stakeholders

International associations representing the interests of the railway sector and academic institutions, academics, researchers and experts in railway transport having a legitimate interest in and wishing to contribute to relevant

OTIF activities may apply for the status of registered stakeholder in a particular organ of OTIF by submitting an application form.

In order to register, an application form should be submitted to the Secretariat of the relevant OTIF organ. In particular, the application should contain a declaration of the areas of legitimate interest in OTIF activities, commitment to the principles described above and commitment to contribute to developing, applying, disseminating, promoting, monitoring, and/or assessing OTIF's legal instruments.

The relevant OTIF organ should grant the status of registered stakeholder on the basis of the application, taking into account the opinion of the Secretariat. The relevant OTIF organ may suspend or revoke the status of registered stakeholder.

### Rights of registered stakeholders

In accordance with their declared areas of interest, registered stakeholders should be

- invited to relevant OTIF meetings or parts of them as observers without any additional administrative procedures;
- authorised to submit and present opinions with regard to subjects discussed by OTIF organs, provided that these discussions are not restricted to OTIF members;
- given the opportunity to submit a written opinion before the relevant OTIF organ takes a decision by written procedure on proposals for or modification to COTIF or the Explanatory Report to it. At least 14 days should be allowed to submit such an opinion from the date of receipt of draft proposals

from the Secretariat. The opinions received should be attached to proposals submitted for decision by written procedure;

- given the opportunity to suggest subjects for consideration for a work programme or particular meeting;
- consulted and actively involved in relevant OTIF activities, such as written consultations, data collection for the monitoring and assessment of legal instruments.

The above rights are without prejudice to COTIF and applicable Rules of Procedure, in particular, the fact that certain meetings or parts of them, as well as documents, may be restricted to OTIF members.

### Application of the Recommendation by the ad hoc Committee on Legal Affairs and International Cooperation

At the 2<sup>nd</sup> session, the ad hoc Committee also decided to apply the Recommendation in order to engage with stakeholders within the scope of its activities. In particular, the ad hoc Committee instructed the Secretariat to take all necessary actions to implement the Recommendation for the ad hoc Committee.

**Aleksandr Kuzmenko**

# NEW UTP TCRC CONCERNING TRAIN COMPOSITION AND ROUTE COMPATIBILITY CHECKS

*On 1 January 2022, a new UTP (Uniform Technical Prescription) concerning train composition and route compatibility checks (UTP TCRC) entered into force. It sets out the responsibilities that railway undertakings and infrastructure managers must comply with before operating a train internationally. This article explains the reasons behind the development of the UTP, its scope and a short summary of its provisions.*

The UTP TCRC was adopted by the 13<sup>th</sup> session of CTE, which was held on 22 and 23 June 2021. The provisions provide a legal environment for the harmonised and correct application of Article 6 § 2 and Article 15a § 4 of the ATMF UR, which define responsibilities for railway undertakings (RUs) and infrastructure managers (IMs) in connection with the preparation and operation of trains. It is important that before using a vehicle, RUs ensure that the vehicle is firstly compatible with the train in which it is integrated, and secondly that the train is compatible with the lines on which it is intended to run.

The UTP TCRC was developed with the following principles in mind:

1. COTIF does not fully standardise vehicles and allows for freedom of design, as long as the design satisfies the technical prescriptions in UTP WAG and UTP LOC & PAS.
2. The networks of the Contracting States may not be fully harmonised and lines between and within

Contracting States may have different performance parameters (train length, axle loads, platform length, gauge, etc.)

3. Because of points 1 and 2, it cannot be taken for granted that all vehicles are compatible with all lines. Consequently, route compatibility checks are required.

Irrespective of whether the railways in a Contracting State are a state monopoly or are based on an open market model and irrespective of whether or not the railway undertakings and infrastructure manager are integrated into a holding, all railway undertakings and infrastructure managers have the same obligations with regard to the UTP TCRC.

The UTP TCRC covers the information to be exchanged between RUs and IMs and the checks to be performed by RUs. If the railway network in a Contracting State is used by multiple RUs, the IM of this state would have to provide all railway undertakings using its infrastructure with the relevant information. This should facilitate smooth and safe passenger and freight traffic across borders. Within its scope and purpose (Chapter 1), the UTP TCRC therefore lays down:

- The responsibilities of infrastructure managers to provide information and facilitate the procedures applied by railway undertakings;
- The procedures to be applied to check those parameters to ensure compatibility between vehicles and the routes on



**Article 6 § 2 ATMF UR**  
It is the responsibility of railway undertakings to operate vehicles only on compatible infrastructure, according to the vehicle's specifications and other conditions of the vehicle's admission.

**Article 15a § 4 ATMF UR**  
It is the obligation of the Infrastructure Manager to make available to any rail transport undertaking operating on its network, as far as is necessary for operation, the elements relating to the infrastructure characteristics.

which they are to be operated;

- The responsibilities of railway undertakings for the composition and preparation of trains and pre-departure checks of trains intended to be operated in international transport;

- The parameters of the vehicles and fixed subsystems to be checked by the railway undertaking.

The operation of trains, the safety certification and licencing of railway undertakings and/or infrastructure managers are not covered by the UTP TCRC and remain subject to the law applicable in each Contracting State.

The UTP TCRC is based on a number of provisions and parameters of two EU legal texts, namely the TSI on Operation and traffic management (OPE TSI, Commission Implementing Regulation (EU) 2019/773 and the specifications for the register of infrastructure (Table 1 of the Annex to RINF, Commission Implementing Regulation (EU) 2019/777 of 16 May 2019).

As the name suggests, the UTP covers two core subjects: train composition and route compatibility checks, which are structured in Chapters 2 to 5.

## Chapter 2: Route compatibility

The RUs have to check whether the vehicle is admitted according to ATMF or EU law and registered in the Vehicle Register, and whether the vehicle is compatible with the route. They also have to verify that the composition of the train is compatible with the route and the path, and correctly form and complete the train. During this process, the IM has the obligation to provide relevant data and information on the infrastructure and the route, including changes to characteristics of the route, real time information in the event of emergencies, the list of quiet routes according to UTP Noise, access conditions and use of the infrastructure for the transport of dangerous goods or exceptional transport.

## Chapter 3: Train composition

Based on the technical file of each vehicle, the RUs must ensure that all vehicles in the train and the train as a whole meet the essential requirements, such as safety, reliability, availability, health, environmental protection, technical compatibility and accessibility. RUs should also ensure that each vehicle remains within its specified maintenance interval during the journey. It should be recalled that some data relating to vehicles and their maintenance history may be provided by the keeper of the vehicle or may be obtained by consulting existing vehicle registers.

## Chapter 4: Train braking

The UTP TCRC makes reference to the use of a continuous automatic braking system, which is defined in UTP LOC&PAS and UTP WAG. The IM is responsible for providing information on signalling distances, gradients, maximum speed permitted, and the conditions of use of braking systems. On the other hand, the RU is responsible for determining the braking capability of the train at the planning stage.

## Chapter 5: Ensuring that the train is in running order

The general requirements for the safe running of the train require that both the RU and IM establish a process and procedure to inform each other of any modifications relating to the infrastructure or the characteristics of the train composition which may affect compatibility and, as a consequence, the safe running of the train. The pre-departure data therefore provide essential information on the train and related operational restrictions by the RU.

## LIST OF PARAMETERS FOR VEHICLE AND TRAIN COMPATIBILITY OVER THE ROUTE INTENDED FOR OPERATION

1. Traffic loads and load carrying capacity of infrastructure
2. Gauging
3. Vertical radius at sidings
4. Train detection systems
5. Hot axle box detection
6. Running characteristics
7. Wheelset
8. Minimum curve
9. Braking
10. Magnetic track brake
11. Eddy current track brake
12. Weather conditions
13. Voltages and frequencies
14. Regenerative brake
15. Current limitation
16. Pantograph
17. Compatibility with tunnels
18. Train length
19. Platform heights and access and egress
20. ETCS
21. GSM-R
22. Class B

In addition to its main text, the UTP TCRC has an annexed table 1 that lists all parameters for the checks, where some information is relevant to a vehicle, and other information is also relevant to a train.

The UTP TCRC has also replaced both Appendix I to the 2014 UTP WAG and Appendix K to the 2015 UTP LOC&PAS, which previously included provisions relating to train composition and the use of rail vehicles.

The UTP in force can be found on OTIF's website under [Reference Texts > Technical Interoperability > Prescriptions and Other Rules](#).

**Maria Price**

# RID/ADR/ADN JOINT MEETING

## Geneva, 21 September to 1 October 2021

The fourth and last RID/ADR/ADN Joint Meeting of the 2020/2021 biennium was held as a hybrid meeting in Geneva from 21 September to 1 October 2021. As it was not possible to conclude every issue at this meeting, there will still have to be some discussions on the 2023 amendments to RID/ADR/ADN at the spring session in March 2022.

The Joint Meeting dealt primarily with the harmonisation of RID/ADR/ADN with the 22<sup>nd</sup> edition of the UN Recommendations on the Transport of Dangerous Goods. The Joint Meeting also had to deal with some issues relating specifically to tanks, as well as new proposals.

120 delegates from 24 states, the European Commission and 19 non-governmental organisations took part in this meeting.

### Tanks

As usual, the documents on tank issues were transferred to the working group on tanks for consideration, which also held a video-conference in parallel to the Joint Meeting. 41 experts from 14 states and 6 non-governmental organisations took part in the work of this working group. Due to the large number of documents submitted, the tank working group had to postpone the discussion of various documents until the next session.

#### Informal working group on the testing and certification of tanks

Since 2015, an informal working group of the RID/ADR/ADN Joint Meeting has been working on a project to amend the administrative procedures and controls for the testing and approval of tanks. The aim was to have common requirements for the approval and monitoring of inspection bodies with a view to their mutual recognition. This work has now largely been completed by the tank working group.

As the RID Contracting States and ADR Contracting Parties are at different stages of the accreditation

of inspection bodies and experts, it was recognised that some countries could benefit immediately from the new system, while others would still need to take preparatory measures. In order to ensure that the new system is introduced fairly, it was agreed to formulate the transitional measures in such a way as to enable gradual implementation of the new tasks.

Switzerland had submitted an explanatory document on the relevant amendments to be included in the 2023 editions of RID/ADR/ADN, which first described the initial situation with regard to the inspection and approval of tanks. The problems identified in this system and the resulting need to establish new regulations were highlighted. The objectives of these new regulations were then explained, in particular the common requirements for the approval and monitoring of inspection bodies with regard to the mutual recognition of the inspections they carry out. The explanatory document is intended to provide a better understanding of the provisions that will apply from 2023 and is aimed at authorities, inspection bodies, maintenance and repair workshops and everybody involved in the transport of dangerous goods.

The Joint Meeting welcomed this

document and agreed to make it available on the UNECE and OTIF websites as a guide.

#### Clarification on using tanks after the deadline specified for the next test or inspection

RID/ADR 6.8.2.4.3 stipulates that intermediate inspections may be carried out on tanks three months before or after the date specified. In the past, the question of how a tank may be used within the three months after the specified date, and how to proceed with tanks for which this period of three months has expired, has been discussed several times.

As no consensus could be reached on these issues in the tank working group, the Joint Meeting was asked to take a decision in principle. The Joint Meeting decided to take a cautious approach, which allows filling before the date set for the next test or inspection and completion of transport up to three months after that date. No additional period is provided to return dangerous goods for proper disposal or recycling.

## Harmonisation with the UN Recommendations on the Transport of Dangerous Goods

The Joint Meeting noted the report of the ad hoc working group on the harmonisation of RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, which had met by video-conference from 21 to 23 April 2021, and adopted the proposals for amendments to RID/ADR/ADN, with a few adaptations.

With regard to this harmonisation work, the following amendments should be highlighted. These will be included in the 2023 edition of RID, ADR and ADN.

### New entry UN 3550 COBALT DIHYDROXIDE POWDER

Cobalt is a mineral that is used globally in various medical and technical applications. It is obtained from cobalt dihydroxide, which is carried in various forms: crude in mixtures together with cobalt sulphate, copper and nickel sulphates, partly refined with very high moisture content and as a refined product in powder form.

In powder form, this substance is assigned to Class 6.1, packing group I, because of its acute inhalation toxicity. The previous assignment to entry UN 3077 ENVIRONMENTALLY HAZARDOUS SUBSTANCE, SOLID, N.O.S., packing group III, and the packagings possible with this assignment, thus cease to apply.

The creation of the new UN number 3550 for cobalt dihydroxide powder containing  $\geq 10\%$  respirable particles and the assignment of a new special packing provision will allow the use of flexible intermediate bulk containers (IBCs) with sift-proof inner liners to prevent leakage of dust during transport. Coarse and pasty cobalt dihydroxide, which does not emit dust in the pulmonary region,

poses no hazard on inhalation, and can continue to be carried under UN number 3077.

### Use of recycled plastics material for all rigid plastics packagings

A definition of recycled plastics was already included in the dangerous goods regulations in the 1990s. Since then, it has been possible to use drums and jerricans made of recycled plastics for the carriage of dangerous goods.

With the 2023 edition of the dangerous goods regulations, recycled plastics material recovered from used industry packagings may now also be used for rigid plastics IBCs and composite IBCs with plastics inner receptacles.

There is general consensus on the need to revise the existing provisions in the future to allow not only recycled plastics material from used industrial packagings, but also those from consumer collections to support the recycling industry.

### Use of large packagings for several damaged or defective lithium batteries

Packing instruction LP 906 currently stipulates that only a single large damaged or defective lithium battery may be packed in a large packaging. This means that large packagings designed for the carriage of a battery with a mass of 600 kg may not be used, for example, for the carriage of four batteries for hybrid vehicles with an individual mass of 120 kg, although the energy content of a 600 kg battery is higher than the energy content of four hybrid batteries.

In future, several lithium batteries may also be packed in one large packaging. In order to rule out the incorrect use of large packagings, the packaging manufacturer must

provide instructions for use. They must provide information on the batteries and equipment that may be contained in the packaging, the maximum permitted number of batteries contained in a package and the maximum permitted total energy content of the batteries, and the configuration within the package, including partitions and protective devices used during performance verification.

### New Chapter 6.9 for fibre-reinforced plastics portable tanks

A new chapter 6.9 will be included in the dangerous goods regulations, which will contain construction, testing and approval requirements for portable tanks with shells made of fibre-reinforced plastics (FRP) that can be used worldwide. The basis for this was the previous Chapter 6.9 of RID/ADR, which was adapted to the latest technical developments. In addition, references to European standards have been replaced by references to ISO standards.

Portable tanks made of fibre-reinforced plastics have the following advantages, among others, compared with metal tanks:

- Lower weight,
- Corrosion resistance,
- No need for additional lining,
- Lower thermal conductivity,
- Higher impact resistance,
- Easier to repair,
- Lower transport, manufacturing and maintenance costs.

The existing RID/ADR Chapter 6.9 on the construction of tanks made of fibre-reinforced plastics (FRP) will be transferred to a new Chapter 6.13 for ADR, applicable only to road tank-vehicles, with the provisions of the new Chapter 6.13 being adapted to the latest technical developments reflected in the new Chapter 6.9.

For RID/ADR tank-containers made of fibre-reinforced plastics, which

were previously built on the basis of the previous RID/ADR Chapter 6.9, it was decided to make the new Chapter 6.9 applicable to the construction of portable FRP tanks.

The tank working group agreed on long transitional measures that allow the continued use of existing FRP tanks and those that will be built in the near future on the basis of existing and still valid design type approvals.

## New proposals

### Refrigerating machines and heat pumps

Refrigerating machines of UN numbers 2857 and 3358 containing up to 12 kg of gas may be fully exempted from the dangerous goods regulations if they comply with special provision 119 or 291. Heat pumps work according to the same principle as refrigerating machines. The only difference is that energy is extracted from a medium to produce heat instead of cold. The International Association of Dangerous Goods Safety Advisers (IASA) had submitted a proposal to provide the same exemptions for heat pumps as for refrigerating machines.

Various delegations argued that an amendment to special provisions 119 and 291 would have to be decided by the UN Sub-Committee of Experts. Due to the urgency of the problem, particularly in view of the expiry of the transitional measure in 1.6.1.46 for articles containing dangerous goods, the Joint Meeting decided provisionally to add a Note to both special provisions to make heat pumps equivalent to refrigerating machines.

### Paints and printing inks classified as environmentally hazardous substances

In order to reduce volatile organic

solvents to protect the environment, an increasing number of solvent-based varnishes and paints are being replaced by water-based varnishes and paints. Water-based paints are mixed with, for instance, biocides to protect the product. Due to these additives, more and more paints fall within the scope of the dangerous goods regulations because they are classified as environmentally hazardous according to the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). The last time the CLP Regulation (Regulation (EC) No 1272/2008 of the European Parliament and of the Council on the classification, labelling and packaging of substances and mixtures) was adapted to technical and scientific developments, changes in classification were adopted which result in products containing certain preservatives being classified as substances of UN number 3082, packing group III.

Whereas for quantities up to 5 litres per packaging, packagings according to special provision PP 1 of packing instruction P 001 do not have to comply with the provisions of Chapter 6.1, UN approved packagings are currently prescribed for quantities of more than 5 litres. Such packagings are not very suitable for the paint industry because closures are needed that can be opened and resealed in order to tint paints in DIY stores, for example.

On a proposal from Norway, the Joint Meeting decided to include a transitional measure allowing the use of non-design type tested packagings for quantities not exceeding 30 litres until 30 June 2025. This transitional period should be used to develop packagings that meets the needs of the paint industry. Following the Joint Meeting, Norway initiated multilateral special agreements RID 8/2021 and M 343 for ADR, which will allow this transitional measure to be used before it enters into force on 1 January 2023.

## Interpretation of RID/ADR/ADN

### Multilateral special agreements according to ADN

In Parts 4 and 6, ADN refers exclusively to the contents of RID/ADR. In this context, Germany raised the question of whether multilateral special agreements relating to the use and construction of means of containment could not automatically be applied to ADN as well.

Most delegations were against automatically carrying over multilateral special agreements for ADN, as these special agreements allow derogations from separate sets of regulations for different modes of transport. In addition, the authorities of a country competent for the regulations and the multilateral special agreements are not necessarily the same for the different modes of transport and may be subject to different national restrictions. Owing to the differences between the modes of transport, multilateral special agreements should only be concluded separately for each mode of transport.

## Election of the Chair for 2022

Mr Claude Pfauvadel (France) was confirmed as Chair and Ms Silvia García Wolfrum (Spain) as Vice-Chair for 2022.

## Next session

The next Joint Meeting will be held in Berne from 14 to 18 March 2022. It will deal with the last amendments that will still be taken into account in the 2023 edition of RID/ADR/ADN.

## Jochen Conrad



# RID COMMITTEE OF EXPERTS' STANDING WORKING GROUP 13<sup>th</sup> Session

## Geneva, 15 – 18 November 2021

At its meeting in November 2021, the RID Committee of Experts' standing working group took important decisions for the 2023 edition of RID. Details still have to be decided in May this year before the RID Committee of Experts approves all the amendment texts and notification of the amendments can take place.

The 13<sup>th</sup> session of the standing working group was held as a hybrid session from 15 to 18 November 2021. 19 RID Contracting States, the European Union, the European Union Agency for Railways (ERA), the Organisation for the Cooperation of Railways (OSJD) and 5 international associations were represented. Russia, which is not itself an RID Contracting State, took part in the meeting in an advisory capacity.

### Approval of the texts adopted by the RID/ADR/ADN Joint Meeting

The working group approved a document prepared by the Secretariat, which contained all the texts adopted by the Joint Meeting in 2020 and 2021 and by the standing working group in November 2020. It also carried over all the other amendments that had been adopted for ADR one week previously by the UNECE Working Party on the Transport of Dangerous Goods (WP.15), insofar as they were relevant to rail transport.

### New proposals

#### Fitting safety valves on tanks for flammable liquefied gases

On the basis of a proposal from the BLEVE working group (BLEVE = boiling liquid expanding

vapour explosion), the Joint Meeting had decided at its meeting from 21 September to 1 October 2021 to prescribe the mandatory fitting of safety valves to tank-vehicles and tank-containers for the carriage of flammable liquefied gases. To this end, 6.8.3.2.9, which previously dealt with the optional fitting of safety valves to tanks for compressed, liquefied or dissolved gases, was amended to include additional technical requirements for these safety valves. Tank-wagons were excluded from this provision because the initiation of a BLEVE by an engine or tyre fire can be ruled out for tank-wagons.

The standing working group adopted a proposal from the Secretariat also to prescribe for tank-wagons the technical requirements laid down for tank-vehicles in ADR and for tank-containers in connection with the fitting of safety valves, without calling into question the voluntary fitting of safety valves to tank-wagons. At the same time, a transitional measure was adopted that allows the continued use of tank-wagons already in use. The standing working group also agreed to prescribe for tank-wagons the marking adopted in principle at the last Joint Meeting for ADR tank-vehicles and tank-containers, which enables the emergency services to recognise from a great distance whether a safety valve is fitted, so that that they can take their initial measures accordingly.

#### Transitional measure in connection with 6.8.2.4.6

6.8.2.4.6 contains requirements for the mutual recognition of experts who perform tests and inspections on the tanks of tank-wagons. This mutual recognition will be put on a new footing as a result of the regulations planned for 2023 for all land transport modes. This was preceded by the work of an informal Joint Meeting working group, which dealt with the approval and inspection of tanks and, in connection with this, the accreditation of inspection bodies. In order to be able to adapt the national procedures for the approval of inspection bodies, a transitional measure was included, which still allows the previous national procedures to be applied for a period of ten years.

The standing working group also decided to allow this ten-year transitional period for the application of RID 6.8.2.4.6, which will be removed from the regulations at the end of 2022. This means that the procedure for the mutual recognition of experts that applies in RID, with the lists of experts published on OTIF's website, may continue to be used until the new system is put in place in all Contracting States.

#### Indication on the tank of the gas actually loaded

At its meeting in September 2020, the Joint Meeting decided to

delete 4.3.3.3.2, at least in ADR, which requires that tanks, battery-vehicles and multiple element gas containers (MEGCs) must only display the information for the gas actually loaded or the last gas contained, and all the information concerning other gases must be covered up. This removed a contradiction with 6.8.3.5.6, which requires that the proper shipping names and, where applicable, the technical names of all gases to whose carriage the tank is assigned must be inscribed.

The standing working group was of the view that the information on the last gas filled could also already be obtained from the transport document and the orange-coloured marking and was also available to the infrastructure manager (see 1.4.3.6 (b) in conjunction with 1.4.2.2.5) and that 4.3.3.2 can also be deleted in RID. Two other places in RID where the folding panels that are now common in rail transport are referred to, on which the route-related load limit panels are also shown, will also be adapted as a result.

### Extra-large tank-containers

The standing working group adopted two decisions of principle concerning extra-large tank-containers. It agreed that a definition of extra-large tank-containers should be included in RID, which would provide for a capacity of at least 40,000 litres in order to distinguish them from ISO tank-containers. With this definition, it will be easier to assign provisions that only apply to these new tank-containers.

The second decision of principle was to set the minimum wall thickness of extra-large tank-containers at 4.5 mm. Until now, extra-large tank-containers have been built on the basis of the construction requirements for

conventional ISO tank-containers, which prescribe a minimum wall thickness of 3 mm. In order to take account of corrosion, the wall thickness was increased to 3.4 mm in practice. One manufacturer of extra-large tank-containers had already used the discussion at the RID Committee of Experts' working group on tank and vehicle technology as an opportunity to increase the wall thickness to 4.13 mm.

The representatives of the International Union of Wagon Keepers (UIP) and the European Chemical Industry Council (Cefic) were asked to submit a specific text proposal on this to the Joint Meeting's tank working group in March 2022.

### Degree of filling of partially filled tank-containers

In order to prevent dangerous surges of liquids in the tank, RID/ADR 4.3.2.2.4 prescribes a minimum degree of filling of 80% or a maximum degree of filling of 20% of the capacity for partially filled tank-containers intended for the carriage of substances in the liquid state and which are not divided by partitions or surge plates.

As part of the risk analysis carried out for extra-large tank-containers, tank-wagons and ISO tank-containers were also subjected to tests with different degrees of filling and different densities. As no dangerous situations were found in these tests, the European Chemical Industry Council (Cefic) proposed to delete the provision in RID 4.3.2.2.4. Deleting this provision would have the advantage that customer requirements could be satisfied better. High-density substances could also be carried in standardised tank-containers. In order to prevent partially filled tank-containers from being carried in road transport, where surge movements may cause the vehicle

to overturn, a special marking for the tank-containers should be stipulated.

The standing working group was not prepared at this stage to delete this provision for rail transport, as the information in the risk analysis is not sufficient to take this step. It welcomed the research work planned by the German Centre for Rail Traffic Research at the Federal Office for Railways (DZSF) on the effects of surge movements in rail transport.

### Interpretation of RID

The UNECE has been publishing interpretations of ADR on its website for a few years. The standing working group agreed in principle with the Netherlands' proposal also to publish on OTIF's website a list of interpretations that do not lead to amendments to RID.

As most of the questions of interpretation concern both RID and ADR, it was recommended that a discussion be held on this subject at the Joint Meeting as well.

There should also be a discussion on whether a systematic record of the background to amendments to RID and the related discussions would be considered useful. A document from Switzerland for the last Joint Meeting was cited as a good example, as it had explained the Joint Meeting's decisions on the approval and inspection of tanks and on the mutual recognition of inspection bodies. As the starting point for searching background documents is often the date of entry into force of a provision, a possible first approach might be to publish an edition of RID on OTIF's website showing the date of entry into force of each amendment to RID. However, it was also pointed out that legal texts should be written in such a way that they can be understood

without the aid of background documents.

### **Harmonisation of RID and SMGS Annex 2**

The Committee of the Organisation for the Cooperation of Railways (OSJD) initiated a discussion on including Chapter 6.20 of SMGS Annex 2 in RID. This Chapter contains provisions for the construction, inspection and testing of tank-wagons intended for operation on 1520 mm gauge railway lines. After the entry into force of Chapter 6.20 on 1 July 2022, Chapter 6.8 of SMGS Annex 2 will only contain provisions for 1435 mm gauge tank-wagons and will be fully harmonised with RID Chapter 6.8.

The standing working group welcomed OSJD's proposal, as the inclusion of provisions for 1520 mm gauge tank-wagons would be of particular benefit to those RID Contracting States that are also SMGS Contracting States and which transport tank-wagons of both gauges under two different legal regimes. It was agreed to carry out a detailed examination of Chapter 6.20 within the framework of the working group on tank and vehicle technology. The legal services of the OTIF Secretariat and the European Commission were asked to check whether there would be any legal problems in connection with adopting OSJD provisions which not all RID Contracting States had been involved in developing. In particular, it should be borne in mind that

Chapter 6.20 of SMGS Annex 2 refers to the Russian Federation's GOST standards, and no RID Contracting State participates in the development of these standards and they are difficult to examine for linguistic reasons.

### **Next session**

The 14<sup>th</sup> session of the RID Committee of Experts' standing working group will be held on 23 and 24 May 2022. Immediately afterwards, the RID Committee of Experts will meet, whose sole task will be to give final approval to all the amendments that will come into force on 1 January 2023.

**Jochen Conrad**

# 59<sup>th</sup> SESSION OF THE UN SUB-COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS

Geneva, 29 November to 8 December 2021

The 59<sup>th</sup> session of the UN Sub-Committee of Experts was the second session in the 2021/2022 biennium. The decisions of the UN Sub-Committee of Experts are incorporated into the 23<sup>rd</sup> revised edition of the UN Model Regulations and 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 later be carried over into the 2025 editions of RID, ADR and ADN.

The 59<sup>th</sup> session of the UN Sub-Committee of Experts was held as a hybrid meeting from 29 November to 8 December 2021. It was chaired by Mr Duane Pfund (United States of America) and was attended by 26 states, 6 governmental organisations and 25 non-governmental organisations. As all the decisions of the UN Sub-Committee of Experts have repercussions for the dangerous goods provisions of the various modes, the Intergovernmental Organisation for International Carriage by Rail (OTIF) was represented as a modal organisation.

## Classification

### UN 2426 Ammonium nitrate

Special provision 252, which is currently in the UN Model Regulations, provides guidance on the circumstances in which the danger posed by hot concentrated solutions of ammonium nitrate is so low that they are no longer covered by the regulations. However, the special provision does not contain conditions that must be met if this substance is not covered by the exemption.

At its last session, the UN Sub-Committee of Experts had already agreed in principle to a proposal submitted by Spain to make the conditions of carriage contained in column (17) of the IMDG Code dangerous goods list and in special provision 644 of RID/ADR/ADN applicable to all modes of transport (see Bulletin 4/2021, p. 21).

The UN Sub-Committee of Experts now adopted a comprehensive amendment to special provision 252, which combines the previous conditions of carriage of the

IMDG Code and RID/ADR/ADN. Paragraph (1) of special provision 242 now sets out first the conditions that have to be met before hot concentrated solutions of ammonium nitrate are handed over for carriage. Paragraph (2) lists the conditions that must be met for this substance to be exempted from the provisions. RID/ADR/ADN special provision 644 can therefore be omitted.

### Sodium-ion batteries

In the last two biennia, the inclusion of a new UN number for sodium-ion batteries has already been discussed (see also Bulletin 1/2018, pp. 19 and 20, 4/2019, p. 19 and 2/2021, pp. 21 and 22). Although there was strong support in the discussions for a corresponding proposal from France and the United Kingdom, the UN Sub-Committee of Experts decided to postpone a decision until the 2021/2022 biennium. In order to bridge the period until new provisions were included in RID/ADR/ADN, France had initiated multilateral special agreements

6/2021 for RID and M340 for ADR, which had already been signed by some states where urgent regulation was necessary because of the imminent start of production.

At previous meetings, many delegations had supported an approach to align the provisions for sodium-ion batteries with those for lithium-ion batteries. The UN Sub-Committee of Experts adopted a proposal from France based on this approach, which included the following amendments, among others:

- Inclusion of two new UN numbers for sodium-ion batteries (UN 3551) and sodium-ion batteries contained in equipment or packed together with equipment (UN 3552);
- Amendment of proper shipping name of UN number 3292 to “BATTERIES or CELLS CONTAINING METALLIC SODIUM or SODIUM COMPOUNDS” in order to distinguish it from the two new UN numbers for sodium-ion batteries;

- Inclusion of essential requirements for sodium-ion batteries in the classification provisions of Part 2;
- In principle, application of all special provisions that also apply to lithium-ion batteries;
- Inclusion of a new special provision containing conditions under which the other provisions of RID/ADR/ADN do not have to be applied;
- Application of all packing instructions that apply to lithium batteries to sodium-ion batteries as well;
- Application of danger label model No. 9A and the mark for lithium batteries also to sodium-ion batteries;
- Inclusion of testing requirements for sodium-ion cells and batteries in the Manual of Tests and Criteria.

At this meeting, the UN Sub-Committee of Experts was not yet able to adopt an exemption for sodium-ion batteries up to a certain energy density, due to the lack of evidence-based threshold values.

### Clarification of special provision 310

Special provision 310 assigned to the entries for lithium batteries provides an exemption from the testing requirements of the Manual of Tests and Criteria when prototype lithium batteries are carried for testing.

It has emerged that the wording "carried for testing" is interpreted differently by the competent authorities. While some competent authorities only see a possible exemption for carriage in connection with the tests of section 38.3 of the Manual of Tests and

Criteria, others are of the opinion that other types of carriage for tests are also exempt, such as integration tests to assess the suitability of a prototype cell or battery for a specific application or product performance tests for product development programmes.

The majority of the UN Sub-Committee of Experts was in favour of a broader scope of application of the special provision and included a Note allowing other tests in the context of product development as grounds for an exemption, in addition to the tests set out in the Manual of Tests and Criteria.

### Exclusion of pharmaceutical products from the scope of UN number 3245

At the 57<sup>th</sup> session of the UN Sub-Committee of Experts, it was clarified that genetically modified micro-organisms also used in COVID-19 vaccines are not subject to the UN Model Regulations (and RID/ADR/ADN) if they have been authorised for use by the competent authorities of the countries of origin, transit and destination (see RID/ADR/ADN 2.2.9.1.11, Note 2). Vaccines authorised for use, including those approved for clinical trials, are not therefore subject to the regulations.

The International Civil Aviation Organization (ICAO) and the World Health Organization (WHO) re called that when genetically modified organisms and micro-organisms were included in the regulations, the intention was to protect the environment from the unintended release of these substances during transport. However, it had not been intended to include pharmaceutical products containing genetically modified organisms or micro-organisms. They emphasised that pharmaceutical products, including vaccines and those in the

clinical trial phase are by definition intended to be administered to humans or animals. It was therefore unlikely that an incident during transport would have significant consequences for logistics personnel or the environment. They were of the view that the exemption of such pharmaceutical products should be presented more clearly in the UN Model Regulations in order to rule out problems with clearance for take-off in the future, as had occurred in the past, in air transport.

The UN Sub-Committee of Experts adopted a proposal to this effect submitted by the two international organisations, even though some experts were of the view that this addition was not absolutely necessary.

## Packagings

### Corrugated fibreboard boxes

The representative of China pointed out that only the English and French versions of the UN Model Regulations were original versions, while the Russian, Arabic, Spanish and Chinese versions were only translations. However, translations could not clarify the meaning of certain terms in every case. He pointed out that the terms "fibreboard" and "corrugated fibreboard" would reflect two different concepts in Chinese.

In order to avoid problems of interpretation in Chinese, the UN Sub-Committee of Experts decided also to mention "corrugated fibreboard" in the title of sub-section 6.1.4.12, which deals with the construction requirements for fibreboard boxes. Before the next session, it still has to be checked whether consequential amendments are also necessary for intermediate bulk containers (IBCs) in 6.5.5.5 or for large packagings in 6.6.4.4.

## Rolling hoops

6.1.4.1.4, 6.1.4.2.3 and 6.1.4.3.3 require metal drums with a capacity of more than 60 litres “in general, [to] have at least two expanded rolling hoops or, alternatively, at least two separate rolling hoops”. The representative of Canada criticised the fact that this was really a mandatory provision, but that it was weakened by the addition of the words “in general”. This imprecision meant that the competent authorities interpreted this provision differently. In addition, there was no comparable provision for drums made of other materials.

The UN Sub-Committee of Experts noted that this was an old provision that had been included for reasons of handling, not for reasons of safety during transport, and that it had also been overtaken by practice in the handling of drums. It decided to make this provision voluntary.

## Packagings with coolants

In the 17<sup>th</sup> revised edition of the UN Recommendations and in RID/ADR/ADN 2013, 5.5.3 was included, which contains special provisions for the use of

dangerous substances for cooling or conditioning purposes. 5.5.3 applies to the carriage of both dangerous substances and non-dangerous substances and has been included in the dangerous goods provisions because of the asphyxiation effect caused by the refrigerated liquefied gases used for cooling.

However, when 5.5.3 was introduced, there were already many packing instructions that referred to cooling with dry ice, nitrogen or other substances. However, they were not systematically reviewed when 5.5.3 was introduced. Spain had already pointed this out at the RID/ADR/ADN Joint Meeting, which led to special provision 593 of RID/ADR/ADN being adapted and the partial exemption it contained being limited to the cooling of non-dangerous goods (see Bulletin 3/2021, p. 17).

Packing instructions P 520, P 650, P 904, P 911 and LP 906, which apply to the carriage of organic peroxides, biological substances, genetically modified micro-organisms and organisms and lithium batteries respectively, permit the optional use of dry ice and liquid nitrogen for cooling, and stipulate that the provisions of 5.5.3

must be applied.

Packing instructions P 620, P 800 and P 901 for the carriage of infectious substances, gallium, mercury, chemical test kits and first aid kits also provide for the possible use of dry ice and other coolants, but there is no reference to the special provisions of 5.5.3. With regard to packing instruction P 203, the situation is a little different. For the carriage of neon, argon, helium, krypton, nitrogen, xenon, trifluoromethane and gas, refrigerated, liquid, open cryogenic receptacles may be used in accordance with this packing instruction. These gases have no hazards other than the risk of asphyxiation and they also fall within the scope of 5.5.3.

The UN Sub-Committee of Experts adopted a proposal from Spain to refer to the special provisions of 5.5.3 in packing instructions P 203, P 620, P 800 and P 901.

## Next session

The 60<sup>th</sup> session of the UN Sub-Committee of Experts will be held from 27 June to 6 July 2022 in Geneva.

**Jochen Conrad**

# CALENDAR OF OTIF'S MEETINGS IN 2022

DATE	EVENT	ORG	LOCATION
31 August - 1 September	136 <sup>th</sup> Session of the Administrative Committee		Berne - Switzerland (HYBRID MEETING)
6 September	Joint Coordinating Group of Experts		Berne - Switzerland
7 - 8 September	Working Group WG TECH. 47 <sup>th</sup> Session		Berne - Switzerland (HYBRID MEETING)
12 - 16 September	RID/ADR/ADN Joint Meeting	UNECE	Geneva - Switzerland
4 - 6 October	Ad hoc Committee on Legal Affairs and International Cooperation	Department for Transport - United Kingdom	London United Kingdom (HYBRID MEETING)

# EVENTS WITH OTIF PARTICIPATION IN 2022

DATE	EVENT	ORG	LOCATION
27 June - 6 July	UN Sub-Committee of Experts on the Transport of Dangerous Goods (60 <sup>th</sup> session)	UNECE	Geneva - Switzerland (HYBRID MEETING)
5 - 6 July	Railway Interoperability and Safety Committee (RISC)	European Commission	Brussels - Belgium
6 July	European Training Center for Railways (ETCR) – Lecture	ETCR*	Bruges - Belgium (HYBRID MEETING)
23 - 26 August	Group of Experts on SMGS Annex 2 “Provisions for the Carriage of Dangerous Goods”	OSJD	Warsaw - Poland (HYBRID MEETING)
8 September	Working Party on the revision of TSIs	ERA	(REMOTE MEETING)
21 - 22 September	IAA Transportation		Hanover - Germany
24 - 28 October	OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods	OSJD	Warsaw - Poland (HYBRID MEETING)

\*ETCR College of Europe, European Union Agency for Railways



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Thank you for your continued interest.  
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