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Working Party on the Transport of Dangerous Goods

Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods

Geneva, 13–17 September 2010

Item 2 of the provisional agenda

Tanks

Section 1.6.3 – Review of transitional measures

Transmitted by the Government of Germany^{1, 2}

Introduction

1. In the past, transitional measures were a constant topic of discussion in international organizations, essentially because older transitional measures are not always precisely drafted, and once they are combined with, in particular, transitional measures included later, it becomes impossible to tell exactly which provisions can be derogated from.
2. There have therefore always been attempts to clarify this part of the regulations. For example, the ADN Safety Committee has completely revised the transitional measures for inland navigation, with effect from 1 January 2011.
3. There have been such initiatives recently within the RID Committee of Experts and its working group on tank and vehicle technology (see also the following excerpt from the report).
4. Excerpt from the report (draft) of the 11th session of the working group on tank and vehicle technology (Bern, 18 and 19 May 2010), document [OTIF/RID/CE/GT/2010-A]:

¹ In accordance with the programme of work of the Inland Transport Committee for 2006–2010 (ECE/TRANS/166/Add.1, programme activity 02.7 (c)).

² Circulated by the Intergovernmental Organisation for International Carriage by Rail (OTIF) under the symbol OTIF/RID/RC/2010/43.

“Agenda item 4 – Transitional provisions in RID 1.6.3

Document: OTIF/RID/CE/GT/2010/4 (Germany)

21. At the 47th session of the RID Committee of Experts, the working group was mandated to check the transitional provisions in RID 1.6.3, which did not make clear which construction requirements could be derogated from. The working group had been asked to check which transitional provisions could be deleted because they had become obsolete or because the tank-wagons or battery-wagons concerned had reached the end of their useful service life (see also paragraphs 22 to 24 of the final report OTIF/RID/CE/2009-A on the 47th session of the RID Committee of Experts).

22. In order to fulfil the working group’s mandate, the representative of Germany had set out the results of the analysis of the transitional provisions specific to tank-wagons and battery-wagons in his document OTIF/RID/CE/GT/2010/4.

23. As the proposals in this document to amend or delete transitional provisions could also have repercussions for fixed tanks (tank-vehicles), demountable tanks, battery-vehicles and tank-containers, and as some of the transitional provisions reviewed were common to both modes of transport (RID and ADR), the working group requested that this matter should first be examined by the Joint Meeting’s tank working group. For the next session of the tank working group, Germany said it was prepared to draft a document explaining the principles behind the proposed amendments. At the same time, the representative of Germany encouraged those States that disagreed with the principles proposed to submit their arguments in the form of informal documents at the next session of the tank working group.”

Proposal

5. Germany proposes that the Joint Meeting’s working group on tanks should review the transitional measures common to RID and ADR.

6. Document OTIF/RID/RC/2010/43/Add.1 (ECE/TRANS/WP.15/AC.1/2010/43/Add.1) (reprise of document OTIF/RID/CE/GT/2010/4), which includes a table showing the results of Germany’s analysis of the transitional measures in RID 1.6.3, could serve as the basis for the exercise.

7. The amendments proposed in the document are based on the following principles:

(a) All tank-wagons and battery-wagons must comply with the respective RID provisions currently in force. When reviewing the transitional measures common to RID and ADR, this principle should be applied in the same manner to fixed tanks (tank-vehicles), demountable tanks, battery-vehicles and tank-containers;

(b) There can be no exceptions to this rule unless they are explicitly stipulated in transitional measures. The transitional measures should be worded in such a way that the provisions which can be derogated from are clearly indicated;

(c) New provisions included in RID/ADR later also apply to tanks that are subject to these transitional measures, provided that this is not qualified by special transitional measures (this approach has already been taken into account in the decisions of the Joint Meeting in recent years);

(d) Transitional measures may be deleted once they have become obsolete (for example because of the existence of new requirements) or if the tank-wagons or battery-wagons as well as the fixed tanks (tank-vehicles), demountable tanks, battery-vehicles and tank-containers concerned have reached the scheduled end of their useful service life.

8. Germany asks the working group on tanks to review the transitional measures in the light of these principles. When this is done, older versions of RID/ADR dating from the pre-restructuring period will sometimes have to be taken into account. In document OTIF/RID/RC/2010/43/Add.1 (ECE/TRANS/WP.15/AC.1/2010/43/Add.1), the basis for the exercise, Germany has nevertheless also sought to take these older texts into account (at least for RID).

Justification

9. The review and the corresponding clarification should enable all stakeholders to determine clearly the provisions that apply and those that do not when a transitional measure is invoked.
