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Joint Meeting of the RID Committee of Experts and the Working Party on the Transport of Dangerous Goods (Berne, 13 – 17 March 2017)

Agenda item 9: Any other business

Non-adoption of the 2017 amendments to SMGS Annex 2

Information from the Secretariat of OTIF

Introduction

1. In accordance with a request from the UNECE Inland Transport Committee, since 2012 OSJD and OTIF have been making efforts to harmonise RID and SMGS Annex 2 more closely.
2. In order to achieve this aim, the Secretariat of OTIF is invited to all the meetings of the OSJD Group of Experts and the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods. In return, the OSJD Member States are also invited to the meetings of the RID Committee of Experts' standing working group, where interpretation into Russian is also now provided.
3. In the past, there has been a lot of success in harmonising the two sets of regulations.

Non-adoption of the 2017 amendments to SMGS Annex 2 in October 2016

4. In informal document INF.18 for the 101st session of WP.15, and in document OTIF/RID/CE/GTP/2016/11 for the 7th session of the RID Committee of Experts' standing working group, the Secretariat of OTIF and Latvia informed the Member States that at the meeting of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods held on 6 and 7 October 2016, the 2017 amendments to SMGS Annex 2 were not adopted.

5. The reason they were not adopted was because for the OSJD organs, the principle of unanimity applies, as well as Russia's position, which was that the text of SMGS Annex 2 should no longer contain any references to EU Directives and EN standards. Russia also proposed that in future, all the existing references to EU Directives and EN standards in SMGS Annex 2 should be deleted.
6. The discussions at WP.15 and the RID Committee of Experts' standing working group are set out in paragraphs 58 and 59 of report ECE/TRANS/WP.15/235 and paragraphs 38 to 41 of report OTIF/RID/CE/GTP/2016-B.
7. As a result, the Secretariat of OTIF made efforts to ensure that another meeting of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods was held in February 2017, in order to ensure that the 2017 amendments enter into force in good time.

Result of the meetings in February 2017

8. At the meetings of the OSJD Group of Experts on Provisions for the Carriage of Dangerous Goods (Warsaw, 14 to 16 February 2017) and the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods (Warsaw, 17 February 2017), it was not possible to achieve a different result. This means that after 1 July 2017, the 2015 edition of SMGS Annex 2 will still apply in the OSJD Member States.
9. Russia and China criticised the fact that EN standards did not cover the entire range of issues, so they preferred references to globally applicable ISO standards, rather than references to regional documents (EN standards and EU Directives). In addition, Russia said at these meetings that together with Kazakhstan, Kyrgyzstan and Belarus, it was part of a trade association in which there were different provisions for pressure receptacles. For this reason, it would first have to be checked whether the newly referenced EN standards accorded with the rules that apply in this trade association. This would take another two months.
10. A proposal made by Russia to carry over the entire text of the EN standards into SMGS Annex 2 was not pursued, as this would amplify the scale of the regulations unnecessarily. This would also entail a lot of adaptive measures in future when the standards were revised.
11. The Secretariat of OTIF drew attention to the difficulties to be expected as a result of the fact that important amendments that would enter into force for all the other modes in 2017 would only be non-applicable in rail transport in the OSJD Member States. As a way forward, the Secretariat proposed to include a note at the beginning of Chapter 6.2 to say that only the provisions for UN pressure receptacles in 6.2.1 and 6.2.2 must be applied. The provisions of 6.2.3 to 6.2.5 should at least apply in those OSJD Member States that are also members of the European Union, and in multimodal road/rail transport. It was not possible to achieve unanimity on this proposal either, even though the first sentence of 6.2.4.1 in SMGS Annex 2 already specifies that application of the standards listed in Chapter 6.2 is optional.
12. Russia said that only a few OSJD States were involved in the process of developing EN standards and EU Directives, but the Secretariat of OTIF pointed out in reply that there was a co-operation agreement between CEN, CENELEC and ROSSTANDART which gave ROSSTANDART permanent observer status in the CEN and CENELEC standardisation bodies.
13. There was a vote on whether the 2017 amendments should be adopted in their entirety, or at least in part, i.e. all the amendments, except the contentious standards. China and Russia voted for the second option, the other States for the first. Mongolia, Tajikistan and Uzbekistan abstained. As a result, the required unanimity was not reached on this question either.

14. Estonia, Georgia, Hungary, Latvia, Lithuania, Poland and Ukraine asked the OSJD Committee to submit the result of this meeting to the OSJD Conference of Ministers (Sochi, 6 to 9 June 2017). If possible, the next session of the OSJD Commission for Transport Law in the area of requirements for the carriage of dangerous goods, planned for October 2017, should be held at an earlier date.
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