

Economic Commission for Europe

Inland Transport Committee

Working Party on the Transport of Dangerous Goods

101st session

Geneva, 8–11 November 2016

Item 9 of the provisional agenda

Any other business

31 October 2016

Non-approval of the 2017 amendments for SMGS Annex 2

Information by the Intergovernmental Organisation for International Carriage by Rail (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 meetings of the OSJD Group of Experts and the OSJD Commission for Transport Law concerning provisions on the carriage of dangerous goods. In exchange, the OSJD Member States are also invited to meetings of the RID Committee of Experts' standing working group, at which interpretation into Russian is also now provided.
3. In the past, numerous successes in harmonising the two sets of regulations have been achieved.

Decisions of the OSJD Commission for Transport Law concerning provisions on the carriage of dangerous goods (Warsaw, 6 to 7 October 2016)

4. In the OSJD Group of Experts that took place just before the meeting of the OSJD Commission for Transport Law concerning provisions on the carriage of dangerous goods, Russia objected to including any more references to EU directives and EN standards in the text of SMGS Annex 2 and proposed not to change the provisions which already contained references to EU directives and EN standards. In addition, Russia proposed that in future, all existing references to EU directives and EN standards should be deleted from SMGS Annex 2.
5. At the meeting of the OSJD Commission for Transport Law concerning provisions for the carriage of dangerous goods, Russia maintained its objections against the use of any references to regional documents (EU directives and EN standards) in the text of SMGS Annex 2.
6. During the discussions, the participants expressed the opinion that in future, proposals from the Russian Federation on the possible preparation of a document containing paragraph numbers of SMGS Annex 2, with references to standards and regulations of SMGS Contracting Parties, could be considered. In order to ensure the harmonisation of SMGS Annex 2 with the provisions of RID and other international agreements on the carriage of dangerous goods, the participants were of the view that appropriate consultations should be conducted. The participants agreed that the possible establishment of a harmonised form would require additional work at a later stage.

7. Taking into account the fact that the proposed amendments to SMGS Annex 2 represent a complex, it was decided to vote on adopting all the amendments to SMGS Annex 2 (the whole range of issues in the draft, including changes to the references to EU directives and EN standards, which are related to other provisions in the draft). The participants were not in a position to introduce changes into the draft and create a new document because it was not possible to find a proper immediate solution in the meeting room.

8. The vote on the entry into force of the amendments for 2017 resulted in the refusal by the Russian Federation. As the OSJD bodies work on the principle of unanimity, the amendments were rejected and the 2015 edition of SMGS Annex 2 remained unchanged.

9. This decision will have negative consequences for railway transport between the two regimes. Negative consequences will also arise for intermodal transport, as no objections have been made against the 2017 amendments to ADR.

Annual meeting of the OSJD and OTIF management

10. At the annual meeting of the OSJD and OTIF management on 21 October 2016 in Warsaw, the OTIF secretariat raised this subject and underlined the consequences of this decision, especially for the transport of internal combustion engines of new UN numbers 3528, 3529 and 3530, which are carried by rail from Europe to the car production plants in Kaluga.

11. The secretariat of OTIF suggested convening a session of the OSJD Commission for Transport Law concerning provisions on the carriage of dangerous goods in February 2017 to discuss this issue again.
