

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

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Joint Meeting of the RID Committee of Experts and the
Working Party on the Transport of Dangerous Goods
(Bonn, 13 – 17 October 2003)

Report of the working group on 1.1.4.2.2 (continued)

Frankfurt, 22 - 23 September 2003

Transmitted by Germany

1. At the Joint Meeting in Berne (24 – 28 March 2003), it was decided to revise in a working group the provisions of RID/ADR 1.1.4.2.2 concerning the transport document/consignment note for transport in a transport chain involving maritime or air transport and land transport (see also document OCTI/RID/GT-III/2003-A, paragraphs 40 to 45).
2. At the invitation of Germany, an initial meeting of the working group was held in Hamburg on 10 and 11 June 2003 (for report, see INF. 11 of the September 2003 Joint Meeting). However, the working group was not able to complete the work, so it was agreed to hold another meeting. This was held in Frankfurt from 22 – 23 September. The German Federal Association for Goods Transport, Logistics and Disposal (BGL) had kindly agreed to provide the venue for the meeting.
3. Representatives of 6 Contracting States, OTIF and 8 international non-governmental organisations took part in the meeting (see Annex 1 for list of participants). Mr. Rein (Germany) was unanimously elected chairman.

For reasons of cost, only a limited number of copies of this document have been made. Delegates are asked to bring their own copies of documents to meetings. The Central Office only has a small number of copies available.

4. The meeting had four working papers:
 - a. Draft FIATA document for the 24th session of the UN Sub-Committee of Experts on the Transport of Dangerous Goods in December 2003 concerning differences between the 12th and 13th editions of the UN Model Regulations in respect of the use of special provisions 61, 274 and 318;
 - b. Draft INF. paper from FIATA for the Joint Meeting on the definition of those involved in the transport of dangerous goods, their obligations and responsibilities;
 - c. Report of the meeting in Hamburg (INF. 11 of the September 2003 Joint Meeting);
 - d. Base document from FIATA (version: Rev. 6).

The working group agreed to deal with the documents in the above order.

Draft proposal to UN (see No. 4. a.)

5. In introducing the document, FIATA explained that this was not a proposal, but information on the differences in the various transport modes. The aim was to present the need for harmonization, because there were unacceptable differences that meant that for many substances, it was impossible to send a consignment from Europe to other countries of the world with one proper shipping name.
6. The discussion showed that this very diligent work undertaken by FIATA made clear the systematic differences between the modes. The UN should be recommended to set up a working group with the task of drafting recommendations for action.
7. As amendments at UN level were considered difficult, the working group suggested that FIATA should also submit the document to the Joint Meeting so that a European working group could develop a position specific to the land modes.
8. The US had submitted a document to the UN (2003/49) on the problems surrounding SP 274 (around 150 substances are affected). The working group was convinced that this document could only provide a partial solution, as the FIATA paper went much further.

Draft INF. paper for the Joint Meeting (see No. 4. b.)

9. FIATA introduced the draft INF. paper setting out the current situation with regard to the definition and safety obligations of the consignor and consignee and proposing that a working group be set up. The problems surrounding this issue were clarified by the presentation of various scenarios with different combinations in relation to the consignor, consignee, carrier and the consignor's client and others involved in the transport operation who might, moreover, be based in a State other than that of the consignor.
10. The discussion showed that the number of participants in ADR/RID is larger than in the UN Model Regulations, which is a result of the attempt to depict a realistic model. The working group supported a review to check whether the tasks were allocated logically. This might result in tasks being moved between participants. The aim was for a transport unit coming to Europe to be able to reach the consignee as easily as possible. Above all, safety had to be ensured during transshipment, which was why not all responsibilities could be removed at the change-over point.
11. Because of the importance of this subject, the working group concluded that it would support submitting this paper to the Joint Meeting and setting up a working group with the aim of finding solutions for the (to some extent old) problems.

Report of the meeting in Hamburg (INF. 11 of the September 2003 Joint Meeting) (see No. 4. c.)

12. To start with, progress on carrying out tasks agreed in Hamburg was discussed. Numbers in the report on which something was noted are set out below.

- 7.: UIC proposed using a break during this session of the working group to draft a text proposal. See the end of this report for more details.
- 8. and 9.: FIATA reported on a US proposal to the UN Sub-Committee concerning the sequence of information in the transport document (indicating the UN number first, document 2003/52).
- 10. and 11.: completed.
- 13., 14., 15., 16.: the report would be transmitted to the RID Committee of Experts, so nothing further needed to be organized.
- 17.: would be dealt with in the Joint Meeting on the basis of the report.
- 18.: deferred to the end of this working group meeting.
- 19. and 20.: the RID Committee of Experts would deal with these issues on the basis of the report.
- 22.: Germany would check this matter again with its national experts and come back to it if necessary in IMO (IMDG Code and SOLAS).
- 24.: FIATA was planning an INF. paper for the December session of the UN Sub-Committee.
- 27.: while UIC and CIT urged a quick amendment, FIATA and representatives of the Contracting States were in favour of awaiting the results of the UN's "LQ" working group, which was soon to finish its work. If necessary, a note could be envisaged to the effect that carrying the transport document on board is permitted for LQ consignments from or for maritime transport.
- 41.: FIATA would prepare a document with a proposed solution.

Base document from FIATA (version: Rev. 6) (see No. 4. d.)

(Note: only those provisions needing to be dealt with are listed. Comments are not given on matters in respect of which no harmonization is necessary.)

Substances pollutant to sea water

The discussion revealed that relevant routes come under the Memorandum of Understanding for the Baltic Sea, which contains special provisions.

→ Class 1 (continued)

Military consignments (5.4.1.2.1 (f))

The working group was unable to clarify whether it was still necessary to enter the words "military consignment" in the consignment note. UIC informed the meeting that at the time, this entry had been included at NATO's wish, and appropriate consultations would be necessary. Based on the experience of States that have also subjected military consignments to ADR – where this entry is not required – it should be possible to do away with it in rail transport. It was agreed that the possibility of doing away with the entry should be discussed at national level in each State and then in the RID Committee of Experts.

Explosive substances and articles containing explosives (IMDG Code 5.4.1.5.9)

The working group ascertained that it was not possible to check the information on board ships and that a proposal to IMO to delete this could therefore be envisaged. Germany would discuss this matter with its national experts and submit an appropriate proposal if necessary.

→ Class 2

Aerosols > 1000 ml

This entry is relevant to safety and cannot therefore be removed. The reason behind this is the application of Class 9 provisions on the separation of goods in the case of quantities of aerosols of less than 1000 ml.

Mixtures

This provision was adopted in 1995 when the provisions of Class 2 were aligned with the UN Model Regulations. As UIC saw it, it should help make things easier in practice, especially as one of the main risks was overfilling a wagon with liquefied gases. An appropriate proposal to UN could help harmonization by proposing to include portable tanks as well. However, FIATA and CEFIC considered that the information on the tank was sufficient.

The outcome of the discussion was that this subject should be discussed at the Joint Meeting in Bonn (October 2003) and that, depending on the vote, it should be taken to the UN.

Carriage of receptacles for the purpose of undergoing tests

The UN Model Regulations do not contain any rules on this subject. However, as this was useful in practice, it should be retained.

Carriage of deeply refrigerated liquefied gases in tanks (5.4.1.2.2 (d))

This provision, which in itself was well-founded, led in practice to repeated problems, because safety valves had been activated even though the time specified in the consignment note had not been exceeded. UIC or Austria would submit a proposal to the RID Committee of Experts on this subject.

→ Class 4.1

Self-reactive substances, protection against direct sunlight (Part 5, ICAO TI 4.1.5.8.3)

It is basically very important not to expose these goods to excessive heat. All the modal regulations contain provisions to this effect. The question was whether the situation could be improved by entries in the transport document. As it was only the ICAO Technical Instructions that required this entry, and not the other mode-specific provisions, ICAO was asked to check whether this entry was necessary. IATA might submit a proposal to UN to introduce an appropriate label. This would bring the matter under discussion.

→ Class 5.2

See comments on Class 4.1.

→ Class 6.2

Address of the consignee, name and telephone number of somebody responsible

The discussion revealed that this was an important provision, but that the wording needed to be improved. In any event, harmonization to simplify the situation at the changeover point between modes would be sensible. The Joint Meeting should therefore follow the UN Model Regulations for ADR and RID. The provision could be improved by inserting a Note.

Genetically modified organisms

The working group established that this was a matter of "working" provisions, which must in any case be made available by other means, otherwise there would be a lack of information in the transport of substances carried by sea and air. A proposal would be made to the Joint Meeting to delete the provision in 5.4.1.2.4 (a).

Perishable substances

Those attending the working group were not aware of any reasons as to why this provision was required under ADR. It was proposed that the Joint Meeting should check whether it was still necessary and if it were still needed, to harmonize. In preparation for the discussion, each of those attending was to check how this provision came about.

→ Miscellaneous

Container packing certificate

The provision in ADR/RID 5.4.2 on providing the container packing certificate led to an intensive discussion on the use of the multimodal carriage of dangerous goods form in accordance with ADR/RID 5.4.4, on the opportunity for electronic transmission and on the practical procedures in maritime transport. During the discussion, the Associations presented various combinations of information flows in relation to the flow of goods. The Chairman summarized the situation and the discussion as follows:

The legislators' interest is characterized by the existing flow of goods and the dangers or circumstances inherent therein, which should be countered with certain information, e.g. with documents, markings, labels, instructions in writing, EmS, etc. In so doing, having the information ready was of less relevance to legislators. What was important was that it should be available and have conclusive force. The carriers' need for information was perhaps of a different kind.

In the past, the use of paper documents ensured availability and conclusive force. These must also be ensured in changing over to IT applications. However, the legislators have not up to now set out any details on this. This process is now beginning, at least for the land modes.

In Germany, availability will have to be defined at national level in the near future and be accessible to industry. How far provisions would then have to be amended must be dealt with in the future, once experience and standards became available.

The discussion revealed two problems:

1. Different transport modes have different requirements in respect of the information needed and its availability. The result is that at the changeover point, not all the information necessary for the subsequent transport mode is available. This working group had examined the problem of changeover points and drafted defusing measures, but differences remained that would have to be accepted (= essential derogations for individual transport modes). It was not possible to put aside all the differences and hence all the problems at the changeover points.
2. It has perhaps not yet been sufficiently worked out in the regulations to what extent information from the previous transport mode can be used (= question of trust). In this respect, it was necessary to make things clearer in the rules than hitherto.

Another problem was the passing on of information from maritime transport to the new consignors for the land modes. In practice, there were obviously problems in respect of the changeover points. But this would have to be covered by those involved by means of contracts, as this could only be resolved in the regulations with great difficulty. The only possibility for regulation was considered to be to include in the maritime regulations the obligation to make available to the consignee in the port of destination (= as a rule the consignor for land transport) the information from the maritime transport document.

It should also be checked whether the allocation of obligations to participants in the IMDG Code, ADR and RID must be optimized with a view to the different flows of goods and information. However, this would be a task for a future working group.

Insertion: UIC/CIT proposal for the RID Committee of Experts

After a short introduction by UIC and CIT to proposal No. 2, it was noted that UIC/CIT intended to submit a proposal to the RID Committee of Experts. The wording would be based on the attached draft document. This would enable UIC and CIT to undertake further consultations.

Proposal No. 3 was relevant to both modes, so the working group asked UIC/CIT to send the proposal to the Joint Meeting. Because of the differences that exist between ADR and RID and the short term solution being attempted by UIC, the working group agreed that it should first be discussed in the RID Committee of Experts, followed by discussion in the Joint Meeting, with the aim of incorporating a Note.

Irrespective of this approach, it was emphasized that in applying ADR 1.1.4.2.2, the additional information required must be provided, as a supplement if necessary (e.g. consignor for road transport or additional information such as that in accordance with special provision 645).

Proposal No. 1 was judged differently by the road and rail representatives. The working group had therefore proposed that those interested should get together and draft a new footnote to 5.4.0.

The revised draft proposal to the RID Committee of Experts arising out of this discussion is contained in Annex 2 to this report.

Consignor's declaration (report of the working group in Hamburg, No. 18)

After further consideration, the working group concluded that the consignor's declaration was unnecessary in the area of activity of ADR and RID, as the participants' obligations were very precisely allocated. This was not the case in air and maritime transport. The present state of affairs was therefore acceptable. There were no objections to restricting the effect of the consignor's declaration to the provisions of maritime and air transport only. A corresponding proposal should be submitted to the UN.

Next steps

This working group report would be submitted to the Joint Meeting as quickly as possible. Subject to the appropriate decisions, amendments could come into effect from 2005. This would mean a considerable reduction in the number of derogations from as early as 2005.

Germany would quickly start national discussions with regard to the maritime transport provisions concerned. Other participants were asked to complete the necessary tasks. The aim remains to harmonize the modal transport provisions in such a way that they are not called into question when used in the run-up to or following a transport chain.

Working group on 1.1.4.2.2 (Frankfurt, 22 - 23 September 2003)

List of participants

	Name	First name	State/Organisation	E-Mail	Fax	Notes
1.	Berg	Göran	FIATA	goran.berg@schenker.com	+46-31-703-8906	
2.	Conrad	Jochen	OTIF	jochen.conrad@otif.org	+41-31-359-1011	
3.	Dénervaud	Jean-Daniel	OTIF	jeandaniel.denervaud@otif.org	+41-31-3591011	
4.	Ehmler	Angelika	Germany	angelika.ehmler@bmvbw.bund.de	+49-30-2008973235	Dolmetscherin
5.	Flock, Dr.	Renate	IRU	bgl@bgl-ev.de	+49-69-7919227	
6.	Gheorghe	Delcá	CFR MARFA S.A.	gheorghe.delca@cfr.ro	+40-21-2127280	
7.	Holzhäuser	Jörg	Germany	joerg.holzhaeuser@mwvlw.rlp.de	+49-6131-16-172297	
8.	Huster	Frank	FIATA	fhuster@dslv.spediteure.de	+49-228-91440741	
9.	Kessler, Dr.	Eva	CEFIC	ekessler@mmm.com	+49-2131-143587	
10.	Krieg	Max	CIT	mkrieg@cit-rail.org	+41-512-203457	
11.	Laufhütte	Klaus	Germany	klaus.laufhuetten@bmvbw.bund.de	+49-228-300972644	
12.	Leach	Geoff	United Kingdom	geoff.leach@srq.caa.co.uk	+44-1293-573991	
13.	Mannerstedt Berg	Karin	FIATA	karin@karinmannerstedt.se	+46-31-164092	
14.	Mayer	Gerhard	UIC	gerhard.mayer@gv.oebb.at	+43-1-93000-26233862	
15.	McCulloch	Alex	IECC	alex.mcculloch@europe.ups.com	+44-20-83256638	
16.	Peeters	Joannes	Belgium	joan.peeters@mobilite.fgov.be	+32-2-514-5531	
17.	Plavitu	Gheorghe	CFR MARFA S.A.	gheorghe.plavitu@cfr.ro	+40-21-2127280	
18.	Rein	Helmut	Germany	ref-a33@bmvbw.bund.de	+49-228-3003428	
19.	Roth	Jörg	CEFIC	jroth@vci.de	+49-69-2556-1512	
20.	Schnell	Stefan	Switzerland	stefan.schnell@bav.admin.ch	+41-31-324-1248	
21.	Schwab	Hans	Switzerland	hans.schwab@sbb.ch	+41-512-202009	
22.	Tiemersma	Klaas	Netherlands	klaas.tiemersma@dgg.minvenw.nl	+31-70-3511479	
23.	Trey	Hans	VOHMA	hanstrey@aol.com	+1-518-792-7781	
24.	Visser	W.J.	UIC	wieger.visser@railion.nl	+31-30-235-8825	
25.	von Gadow	Michael	Germany	uta.ordemann@zds-seehaefen.de	+49-40-366377	
26.	Zetterström	Bo	Sweden	bo.zetterstrom@srv.se	+46-54-135620	

OCTI/RID/CE/40/XX

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RID: 40. Tagung des Fachausschusses für die Beförderung gefährlicher Güter
(Sinaia (Rumänien), 17. bis 21. November 2003)

Thema: Dokumentation für die Beförderungen in einer Transportkette
(Absätze 5.4.1.4.1 und 5.4.1.1.7 sowie Bem. zu Abschnitt 5.4.0)

Anregung des Internationalen Eisenbahnverbandes (UIC) und des Internationalen Eisenbahntransportkomitees (CIT)

ZUSAMMENFASSUNG

Analytische Zusammenfassung

Der Übergang von einem Verkehrsträger zu einem anderen innerhalb einer Beförderungskette ist zu vereinfachen und damit sicherer zu gestalten. Zusätzliche Grundanforderungen für Ausdrucke elektronischer Dokumente (insbesondere des Formulars für die multimodale Beförderung gefährlicher Güter) zu Sendungen, die mit elektronischem Sendungsdossier abgefertigt werden, festlegen.

Maßnahmen

Änderungen in Kapitel 5.4 des RID

Dokumente

Bericht der Tagung der Arbeitsgruppe der Gemeinsamen Tagung zu Absatz 1.1.4.2.2 (Dokument A 81-02/4.2003 bzw. INF.38 der Gemeinsamen Tagung (Bonn, 13. bis 17. Oktober 2003))

Einleitung

Im Zug der Beratungen der Arbeitsgruppe der Gemeinsamen Tagung zu Absatz 1.1.4.2.2 ADR ist auch festgestellt worden, dass durch diesen Absatz im ADR eine Ungleichbehandlung zwischen den Verkehrsträgern Straße und Schiene entstanden ist.

Um Wettbewerbsverzerrungen zu vermeiden, ist eine Anpassung des RID erforderlich. Im internationalen Eisenbahnverkehr besteht im Gegensatz zum Straßenverkehr die Pflicht, den Beförderungsvertrag in einem einheitlichen (CIM-)Frachtbrief festzuhalten. Aus diesem Grund ist für das RID eine eigenständige Regelung zu suchen. Einerseits soll ermöglicht werden, die englischen Angaben in den Beförderungsdokumenten des See- oder des Luftverkehrs ohne Übersetzung in den Frachtbrief zu übernehmen. Andererseits soll klargestellt werden, wie das Formular für die multimodale Beförderung von gefährlichen Gütern als Ersatz der Angaben im eigentlichen Frachtbrief genutzt werden kann. Eine Abschrift des Beförderungsdokumentes aus der vorausgehenden Beförderung in der Transportkette darf dem CIM-Frachtbrief ohne besondere Erlaubnis beigegeben werden.

Bei der Befolgung dieser neuen Bestimmungen werden einerseits mögliche Fehlerquellen bei der Übersetzung der Angaben für den Frachtbrief vermieden und andererseits wird mit der Nutzung des Formulars für die multimodale Beförderung von gefährlichen Gütern erreicht, dass an den Übergangsstellen See-/Luft- // Eisenbahnbeförderung die Angaben zu den gefährlichen Gütern nicht in den Frachtbrief zu übertragen sind. Ergänzend kann die Behebung von Unregelmäßigkeiten erleichtert werden kann.

Bezüglich der Nutzung des Formulars für die multimodale Beförderung von gefährlichen Gütern sollte das Verfahren im Einzelnen erläutert werden, und zwar so wie es in den künftigen Bestimmungen des CIT (im Handbuch CIM—Frachtbrief zu Händen der Kundschaft) vorgesehen ist. Je nach dem Ergebnis der Diskussion im Fachausschuss für die Beförderung gefährlicher Güter könnte diese oder eine ähnliche Fußnote auch im ADR aufgenommen werden. Auf eine Variante 2, die zur Beigabe dieser Abschriften verpflichten würde, wird verzichtet, weil es höchstwahrscheinlich keine sinnvolle Auflage wäre.

Was die Verwendung der Sprachen betrifft, sieht die Variante 1 eine Lösung vor, welche die Schwierigkeiten bei der Eisenbahnbeförderung im Nachlauf zu einer See- oder Luftbeförderung mit der Zulassung der Angaben in englischer Sprache stark vermindert. Die Variante 2a beim Stand der derzeitigen CIM (1980) ist weitergehend, indem sie zulässt, dass die Angaben grundsätzlich in französischer, deutscher oder englischer Sprache eingetragen werden dürfen. Übersetzungen in eine diese Sprachen wären beizugeben, wenn die Amtssprache am Versandbahnhof zwingend zu verwenden und diese nicht eine der vorgenannten Sprachen ist.

Beim In-Kraft-Treten dieser Bestimmungen im RID (vorherige Sondervereinbarungen vorbehalten) dürfte das neue COTIF ebenfalls in Kraft getreten sein. Die CIM wird dann keine Aussage zu den zu verwendenden Sprachen mehr enthalten. Deshalb wird in Variante 2a für das RID zum 1. Januar 2005 die künftige Bestimmung des CIT zur Verwendung der Sprachen vorgeschlagen.

In den Diskussionen hat sich außerdem gezeigt, dass die Bem. zum Titel des Abschnittes 5.4.0 einige Ergänzungen bezüglich der Anforderungen an die Ausdrücke (sortie d'imprimante) erforderlich sein könnten. Die Bedürfnisse an die Flexibilität einer zusätzlichen Bestimmung sind jedoch je nach Verkehrsträger, insbesondere für die Straße, sehr unterschiedlich. Auf Grund einer mit Vertretern von FIATA, IRU und CEFIC und dem CIT geführten Aussprache im Anschluss an die Tagung der Arbeitsgruppe, halten die UIC und das CIT dafür, dass einstweilen einzig eine Anregung an den Fachausschuss für das RID der OTIF zielführend sein kann. Im Eisenbahnverkehr, in dem kein Personal die Sendung vom Abgangs- bis zum Bestimmungsort begleitet, ist das Personal, das mit Ausdrucken von Teilen des Sendungsdossiers in Berührung kommt, auf eine rasche Lesbarkeit des Ausdruckes angewiesen, und zwar in den verschiedensten am COTIF-Mitgliedstaaten. Daten, die jeweils an der gleichen Stelle in einem Ausdruck gefunden werden können, erleichtern die Lesbarkeit, eventuell auch in einer Fremdsprache, ungemein. Die Ausdrücke des CIM-

Frachtbriefes (Bestimmungen des CIT) entsprechen diesen Anforderungen. Das Gleiche sollte auch für die Gefahrguterklärung (Formular gemäß Abschnitt 5.4.4 des RID) gelten, besonders dann, wenn in ihr wesentliche Daten zur Sendung (Bezeichnung des Gutes mit allen Angaben gemäß RID) enthalten sind und an die Stelle der ansonsten in den Frachtbrief selbst einzutragenden Angaben treten.

Vorschläge

1. Beigabe von zusätzlichen Begleitpapieren

Zum Titel des Unterabschnittes 5.4.1.1.7 eine Fußnote mit folgendem Wortlaut beifügen:

„Bei Beförderungen in einer Transportkette, die eine See- oder Luftbeförderung einschließt, dürfen dem Frachtbrief eine Abschrift der vorgeschriebenen Dokumentation (z.B. Formular für die multimodale Beförderung gefährlicher Güter gemäß Abschnitt 5.4.4, Dangerous goods manifest) für die See- oder Luftbeförderung beigegeben werden. Wird das Formular für die multimodale Beförderung gefährlicher Güter gemäß Abschnitt 5.4.4 für die Bezeichnung des gefährlichen Gutes als Zusatzblatt und Ersatz der Angaben im Frachtbrief verwendet, so muss es die gleiche Größe wie der Frachtbrief haben. Jedem Blatt des Frachtbriefes ist ein Zusatzblatt beigegeben. Im entsprechenden Feld des Frachtbriefes ist auf dieses Zusatzblatt zu verweisen.“

2. Verwendungen der Sprachen

Variante 1

In Unterabschnitt 5.4.1.4.1 die folgende Ergänzung aufnehmen:

"Abweichend davon brauchen bei Beförderungen in einer Transportkette, die eine See- oder Luftbeförderung einschließt, die Angaben im Frachtbrief nur in englischer Sprache abgefasst sein."

Variante 2a (CIM 1980)

Den Wortlaut von Absatz 5.4.1.4.1 durch den nachstehenden Text ersetzen:

"Die Angaben des Absenders im Frachtbrief sind in Deutsch, Französisch oder Englisch einzutragen. Bestimmen die für den Versandbahnhof geltenden Vorschriften, dass die Angaben in einer der amtlichen Sprache abzufassen sind und ist diese Sprache weder Französisch, Deutsch noch Englisch, so ist eine Übersetzung in einer dieser Sprachen beigegeben."

Variante 2b (CIM 1999)

"Der Frachtbrief ist in einer oder mehreren Sprachen auszufüllen, wobei eine dieser Sprachen Französisch, Deutsch oder Englisch sein muss."

3. Ausdrücke der elektronischen Sendungsdaten und der Begleitpapiere

In der Bem. unter dem Titel des Abschnittes 5.4.0 den folgenden Zusatz aufnehmen:

„Werden Ausdrücke (sortie d'imprimante) des Formulars für die multimodale Beförderung gefährlicher Güter gemäß Abschnitt 5.4.4 und der UN-Empfehlung Nr. 11 (Dokumentationsaspekte der internationalen Beförderung gefährlicher Güter) benötigt, so haben die Angaben den Bestimmungen des RID und den Empfehlungen dieser UN-Empfehlung zu entsprechen. Die Abmessungen und die Darstellung dürfen Abweichungen gegenüber dem empfohlenen Muster aufweisen, soweit sie aus technischen Gründen erforderlich sind.“

- Begründung:** Durch diese Maßnahmen wird insbesondere der Übergang See- Schiene und umgekehrt in einer Transportkette erleichtert und mit anderen Mitteln eine Harmonisierung des RID mit Unterabschnitt 1.1.4.2.2 ADR erreicht.
- Sicherheit:** Die Sicherheit wird durch diese Maßnahme erhöht, da Fehlerquellen bei der Übersetzung von englischen Angaben in eine jeweilige Amtssprache oder Fehler bei der Übertragung der Angaben vermieden werden. Die Standardisierung der Ausdrücke von Daten elektronischer Sendungsdossiers macht diese leicht lesbar.
- Durchführbarkeit:** Die Vorschläge 1 und 2 sind ohne besonderen Aufwand, jedoch mit Ausbildung des Personals durchzuführen. Vorschlag 3 bedingt, dass bei der Aufnahme der Daten des Formulars für die multimodale Beförderung gefährlicher Güter ins Sendungsdossier auf eine möglichst standardisierte Anordnung der Angaben geachtet wird.
- Anwendbarkeit:** Idem wie Durchführbarkeit.
-