

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

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

**Secrétaire général
Generalsekretär
Secretary General**

**A 92-03/501.2009
27.02.2009**

Original : EN

TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

NOTIFICATION

of the adoption by the Committee of Technical Experts of

APTU Annex 1-A:	GENERAL PROVISIONS – ESSENTIAL REQUIREMENTS
APTU Annex 1-B:	GENERAL PROVISIONS – SUBSYSTEMS
APTU Annex 1-C:	GENERAL PROVISIONS – TECHNICAL FILE
APTU Annex 1-E :	GENERAL PROVISIONS – ASSESSING ENTITY – QUALIFICATIONS AND INDEPENDENCE
OTIF Register System – Rolling stock	NATIONAL VEHICLE REGISTERS (NVR)

I am pleased to notify the Member States according to Article 35 § 1 of the Convention that the Committee of Technical Experts at its 3rd session on 11/12 February 2009 acting in its competence according to Articles 16, 20 and 33 of the Convention has decided upon the following modifications of the Convention:

Reference	Title
APTU Annex 1-A: Doc. A 94-01A/1.2009	GENERAL PROVISIONS – ESSENTIAL REQUIREMENTS
APTU Annex 1-B: Doc. A 94-01B/1.2009	GENERAL PROVISIONS – SUBSYSTEMS
APTU Annex 1-C: Doc. A 94-01C/1.2009	GENERAL PROVISIONS – TECHNICAL FILE
APTU Annex 1-E: Doc. A 94-01E/1.2009	GENERAL PROVISIONS – ASSESSING ENTITY – QUALIFICATIONS AND INDEPENDENCE
ATMF Article 13 Doc. A 94-20/1.2009	OTIF Register System – Rolling stock NATIONAL VEHICLE REGISTERS (NVR)

These documents, as adopted, are attached to this circular and will be placed on the OTIF website.

In accordance with the second sentence of Article 35 § 3 of the Convention, the modifications decided upon will **enter into force** on the first day of the sixth month following that during which the Secretary General has given notice of them to the Member States, i.e. on **1 August 2009**, unless the number of objections received (see below) annuls the entry into force.

Member States which have made a declaration in accordance with Article 42 of the Convention that they will not apply Appendix F and G to COTIF 1999 will not be affected by the entry into force of these modifications while their declaration is in force.

According to Article 35 § 4 of the Convention, a Member State may formulate an **objection** within the period of four months from the day of the notification, i.e. in this case by **29 June 2009**, at the latest.

In the case of objection by one-quarter of the Member States, the modification will not enter into force. According to Article 35 § 6 of the Convention, Member States which

- do not have the right to vote (Article 14 § 5, Article 26 § 7 or Article 40 § 4),
- are not members of the Committee concerned (Article 16 § 1, second sentence), or
- have made a declaration in accordance with Article 9 § 1 of the APTU Uniform Rules,

will not be taken into account when determining the number of objections.

The consequences of an objection should be carefully considered, as the non-entry into force of the APTU Annexes will have an effect on other Member States and might jeopardise the unrestricted movement of railway vehicles between EC Member States and non-EC OTIF Member States. The free movement of railway vehicles will only be possible if the TSIs and the corresponding APTU Annexes are equivalent.

The definitive date of entry into force or rejection of the modifications will be communicated to the Member States by a circular and will be published on the OTIF website shortly after the deadline for objections has passed.

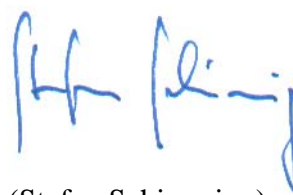
I should like to draw the attention of the non-EC OTIF Member States to the deadlines set out under “Proposal for decision”, point 1. and 7. in document A 94-20/1.2009 concerning **National Vehicle Registers**. The OTIF Member States which are also members of the European Community should be aware that they, according to point 11. of the document, are not subject to that document.

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The following international organisations and associations have received a copy of this circular and the attached documents:

- European Commission (DG TREN)
- European Railway Agency (ERA)
- International Union of Railways (UIC)
- International Rail Transport Committee (CIT)
- International Union of Private Railway Wagons (UIP)
- Organisation for Railways Cooperation (OSJD)
- Community of European Railway and Infrastructure Companies (CER)
- European Rail Freight Association (ERFA)
- Union of European Railway Industries (UNIFE)
- International Association of Public Transport (UITP)
- International Union of combined Road-Rail transport companies (UIRR)
- European Committee for Standardisation (CEN)
- International Association of Private-Sidings Users (IVA)

Yours faithfully



(Stefan Schimming)
Secretary General

Annexes:

- the documents listed above

cc:

- the international organisations and associations listed above