

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 92-03/506.2012
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TO THE GOVERNMENTS OF THE MEMBER STATES OF OTIF

NOTIFICATION

**of Regulations adopted by the Committee of Technical Experts in accor-
dance with Appendix F (APTU) to the Convention**

Par souci d'économie, le présent document a fait l'objet d'un tirage limité. Les délégués sont priés d'apporter leurs exemplaires aux réunions. L'OTIF ne dispose que d'une réserve très restreinte.

Aus Kostengründen wurde dieses Dokument nur in begrenzter Auflage gedruckt. Die Delegierten werden daher gebeten, die ihnen zugesandten Exemplare zu den Sitzungen mitzubringen. Die OTIF verfügt nur über eine sehr geringe Reserve.

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. OTIF only has a small number of copies available.

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I have the pleasure to notify the Member States that at its 4th Session on 14-15 September 2011, the Committee of Technical Experts unanimously adopted the English version of the following regulation and that the French and German versions of this regulations have also been unanimously adopted by the Committee in a vote using the written procedure in accordance with Article 23 § 3 of the Committee's Rules of Procedure:

UTP GEN-D: GENERAL PROVISIONS – *New*
 Doc. A 94-01D/3.2011 ASSESSMENT PROCEDURES (MODULES)

This regulation has been placed on the OTIF website under "Technology" > "Notifications".

In accordance with the second sentence of Article 35 § 3 of the Convention, this regulation 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 October 2012**, unless the number of objections received (see below) invalidates 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 to COTIF 1999 will not be affected by the entry into force of these regulations while their declaration is in force.

With regard to the adopted regulations, a Member State which, at the time of expiry of the deadline indicated below, applies the Appendix to the Convention in pursuance of which a regulation has been adopted, may, according to Article 35 §§ 4 and 6 of the Convention, formulate an **objection** to the adoption of the regulation within a period of four months from the day of the notification, i.e. in this case by **20 August 2012**, at the latest. The objection may concern the whole regulation or specific parts of it.

According to Article 38 § 3 of the Convention the EU may exercise the right of its Member States to submit an objection, in which case the EU Member States concerned may not vote.

The consequences of an objection are indicated in Article 35 § 4. In most cases, an objection will jeopardise the unrestricted international circulation of railway vehicles out of the objecting State and in transit through it. If one quarter of the Member States object to one of the notified regulations, it will not enter into force.

According to Article 35 § 6 of the Convention, Member States which

- a) do not have the right to vote (Article 14 § 5, Article 26 § 7 or Article 40 § 4),
- b) are not members of the Committee concerned (Article 16 § 1, second sentence), or
- c) 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 definitive date of entry into force of a regulation or its rejection will be communicated to the Member States by a circular and published on the OTIF website shortly after the deadline for objections has passed.

I should like to use this opportunity to draw the Member States' attention to Article 26 of the Vienna Convention, which implies that for their national territory, the Member States concerned

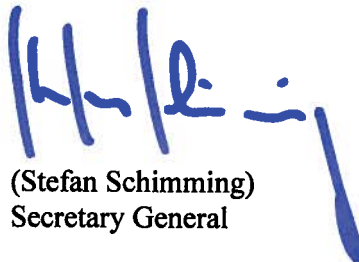
shall have brought into force the laws, regulations and administrative provisions necessary to comply with these regulations by the date of their entry into force, at the latest.

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The following international organisations and associations have received a copy of this circular for information:

- 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