



Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Commission de révision
Revisionsausschuss
Revision Committee**

**LAW-17148-CR 26/3.2
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26TH SESSION

Revised provisional annotated agenda

1. Opening the meeting and establishing the quorum

The Secretary General will open the meeting and conduct proceedings until the chair and vice-chairs are elected (Art. 10 § 2 RP). There is a quorum when the majority of members of the Revision Committee are present or represented. Since only Member States enjoying the right to vote count, the quorum will be determined for each item on the agenda (see doc. INF. 3 and Art. 20 RP).

2. Election of chair and vice chair

The Secretary General will invite the delegations to propose candidates or will propose a candidate himself (Art. 10 § 1 RP).

3. Adoption of the agenda

The agenda prepared by the Secretariat, completed/adapted if need be according to proposals received from members of the Revision Committee or observers (Art. 9 RP), will be submitted for approval.

4. Modification of the Rules of Procedure

At its 25th session (Berne, 25 – 26 June 2014), the Revision Committee mandated the Secretary General to produce a comprehensive review of the issues in connection with the language regime and to propose amendments to ensure that it is applied with all the necessary rigour. Modifications to a number of provisions of the Rules of Procedure, which date from 23 June 2009, will be submitted for discussion and adoption. Among other things they relate to voting rights of regional organisations, the deadlines for submitting and dispatching documents and the language regime regarding documents, taking into account the mandate given to the Secretary General by the previous session of the Revision Committee and the developments since 2009, in particular the accession of the EU to COTIF. The modified version of the Rules of Procedure is being submitted to the Committee for approval.

5. Partial revision of the base Convention: amendment of the procedure for revising COTIF

The basis for the discussion of this item will be the legal assessment of the COTIF revision procedure and of possibilities for its amendment prepared by Dr. Catherine Brölmann, the conclusions of the session of the working group to amend the procedure for revising COTIF on 3 May 2017 and the information collected from the Member States regarding their applicable national procedure in case of modifications to COTIF adopted by OTIF organs. Ms. Brölmann has been invited to present her analysis. On the basis of all these findings and considerations the Secretariat will submit a proposal for amendment of the procedure for revising COTIF.

6. Partial revision of the CIM UR – Secretary General's report

The Secretary General will report on developments since the 12th General Assembly with regard to the continuation of the work on revising the CIM UR, particularly the work concerning the provisions to be put in place concerning the electronic consignment note, once the sector has re-examined the functional specifications of the electronic consignment note. Representatives of the stakeholders will be invited to give presentations. It will be proposed to

the Revision Committee that it should take a decision on the work to be carried out in light of these developments.

7. Partial revision of the CUI UR

– Draft texts from the Secretary General resulting from the work of the CUI UR working group

The main aim of this revision of the CUI UR is to clarify their scope of application. Representatives from the sector (associations of infrastructure managers and of carriers) will be given the opportunity briefly to present their view and position on this issue. There will also be an opportunity for the expert who participated in the work of the Secretary General's working group, Prof. Freise, to present his view and to provide additional explanations. The solution eventually supported by the majority of the Member States which took part in the work of the working group comprises modifications to Article 1 (Scope) and 3 (Definitions). In addition, the draft text contains proposals for editorial improvements to several Articles and adaptations to the Explanatory Report. The Revision Committee can adopt modifications to Articles falling (according to Art. 33 COTIF) within its own competence (Art. 17 § 1 letter a) COTIF). It has to consider proposals to modify Articles which can only be adopted (according to Art. 33 COTIF) by the General Assembly (Art. 17 § 1 letter b) COTIF).

– Procedural issues associated with modifications to the CUI UR

Due to the fact that the solution eventually supported by the majority of the Member States which took part in the work of the working group comprises modifications to both categories of provisions (see above) and due to the close link between them, the Secretariat proposes that the Committee should abstain from adopting the proposed modifications to Article 3 (Definitions) so that the General Assembly will be in a position to take a final decision not only on Article 1 (Scope), but also on Article 3, which forms part of the solution and must be read and interpreted in conjunction with Article 1. The Committee may require these proposals to be submitted to the General Assembly for decision (Art. 33 § 4, second sentence).

8. New Appendix H regarding the safe operation of trains in international traffic

– Draft text from the Secretary General for the new Appendix H resulting from the work of the Committee of Technical Experts

At the General Assembly of 2015, the Secretary General launched the idea of establishing a legal basis in COTIF to support interoperability beyond the EU. In practical terms, interoperability means that a railway undertaking would be able to run a complete train from its point of departure in one state to the destination in another state without technical or operational reasons to stop at the border(s). In order to support the aims of interoperability beyond the EU, the Secretariat drafted a new Appendix H to COTIF to cover the safe operation of trains in international traffic. The concept of the draft new appendix is that state authorities would issue Safety Certificates for (foreign) railway undertakings based on harmonised criteria, as proof that the railway undertakings are able to operate trains safely in the state concerned. The Committee of Technical Experts (CTE) supported development of the new Appendix H and requested the Secretariat to amend it in accordance with the CTE's discussions for review by the Revision Committee. With a view to clarifying the potential use

of the new Appendix, representatives from sector associations will be invited to make brief presentations.

– **Modifications to the base Convention relating to the adoption of the new Appendix H**

The new Appendix will have to be taken into account in several provisions of the base Convention, namely those dealing with the aims of OTIF, the structure of the Convention and subject matters that are covered, the competences of the Committee of Technical Experts and its decisions. The Committee will have to consider the modification proposals in accordance with Article 17 § 1 letter b) COTIF. They will be submitted to the General Assembly for adoption.

9. Partial revision of the ATMF UR

It is important for international traffic that the provisions applicable in the EU and COTIF are harmonised. With the adoption of the fourth railway package, the EU changed several provisions. Modifications to ATMF are necessary in order to harmonise some terminology with the new EU provisions and to take into account some procedural changes in the EU, in particular the fact that the EU Agency for Railways would be competent to issue vehicle authorisations. The basic concept of ATMF is not the subject of the proposed changes. The Committee of Technical Experts discussed and endorsed the proposals for the modification of ATMF, including the justification for the proposals.

10. Partial revision of the APTU UR

The explanation under agenda item 9 is also applicable to this agenda item. The modification of APTU concerns the provisions to be covered by the Uniform Technical Provisions. The Committee of Technical Experts discussed and endorsed the proposals for the modification of APTU, including the justification for the proposals.

11. General discussion regarding the need to harmonise access conditions

The discussion will be based on an inception analysis prepared by the Secretariat on international railway market access. Experience from regional organisations in the railway sector, as well as from other transport sectors, may be useful. In view of the complexity of the issue and in order to cover the different aspects of this complex issue, a few representatives from States and experts from international organisations will be invited to make brief presentations.

12. Any other business

– **Information from the Secretary General on the Secretariat's other activities**

The Secretary General will inform members of the Revision Committee and observers about the Secretariat's future activities. There will be an opportunity to discuss them.

– **Information from interested observers**

Participants who wish to do so will have the opportunity to give brief presentations about relevant information from their areas of activity.

– **Future participation of observers**

The Member States might consider the possibility of giving general agreement to certain observers' being invited to all future sessions of the Revision Committee.

13. Partial revision of the CUV UR

Switzerland informed the Secretary General in a letter dated 7 November 2017 that it intends to propose an amendment to Article 7 § 1 of the CUV UR to the next General Assembly. Switzerland therefore asked the Secretary General to place the examination of its proposed amendment on the provisional agenda for the 26th session of the Revision Committee. The discussions will therefore take place on the basis of Switzerland's proposal.