

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

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

**Groupe de travail RU CUV
Arbeitsgruppe ER CUV
Working group CUV UR**

**CUV 2
Meeting room document
24.01.2014**

Original : EN

2nd session

Document for consideration:

Promoting legal certainty for the exchange of vehicles

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.

Document for consideration: Promoting legal certainty for the exchange of vehicles

Introduction

In order that passenger coaches can be exchanged between rail transport undertakings in international traffic, harmonised or compatible interfaces between vehicles are necessary. This was one of the objectives of the International Coach Regulations (RIC – *Regolamento Internazionale delle Carrozze*) from its introduction in 1922. The RIC is a commercial and technical agreement between rail transport undertakings.

Today the use of new vehicles in international traffic relies on the admission¹ of the vehicle by the competent authority(ies) and subsequently on the commercial and technical agreements between rail transport undertakings and keepers.

In order to be granted admission to international traffic, a vehicle must meet the legal requirements that apply to it according to ATMF (i.e. UTP, notified national requirements, etc). These legal requirements are mainly functional and do not cover the technical details of the inter-vehicle interfaces. This means that a passenger coach that meets all the legal requirements does not necessarily have the interfaces that make it suitable for exchange in international traffic.

This also means that for the exchange of passenger coaches in international traffic, rail transport undertakings and the keepers of coaches have to agree on technical interfaces in addition to the legal requirements of the UTP.

On several occasions the rail sector, represented by CER, has said that it wants to include a technical annex based on RIC in the UTP (and TSI) such that its application is voluntary. Nevertheless, if the latter were to be applied, including the specification in a technical annex would imply an independent check by an assessment body/notified body. Conformity with this specific annex would therefore be guaranteed as would conformity with the UTP. A rail transport undertaking which receives a coach from another rail transport undertaking can for example be sure that the buffers are at the correct height and the brake signal is transmitted properly.

A similar solution was adopted in Annex C to the UTP Wagons. However, as RIC is less technically precise, OTIF is of the view that a solution based on the sector's own contractual instruments – modelled on the GCU – could be considered. In addition, the scope of this document for consideration is broader than the issue of inter-vehicle interfaces for coaches. It could also be used to underpin the definition of other technical standards supporting railway undertakings' business.

¹ Referred to as “authorisation“ in the EU

Secretariat's reflections on a technical marking:

In order to provide the legal certainty requested by the sector, the CUV could be used to set the conditions to be met before a marking referring to specific technical characteristics may be applied to a vehicle. This way the contract concerning the use of a vehicle would certify that a vehicle meets specific technical requirements which are, for example, needed in order safely to integrate the vehicle into a train and operate it appropriately.

The solution could be to amend Article 3 of CUV as follows:

Article 3

Signs and inscriptions on vehicles

§ 1 Notwithstanding the prescriptions relating to the technical admission of vehicles to circulate in international traffic, **the keeper who provides a vehicle, pursuant to a contract referred to in Article 1**, must ensure that there appears on the vehicle:

- a) a statement of the keeper;
- b) when applicable, a statement of the rail transport undertaking to whose vehicle park the vehicle belongs;
- c) when applicable, a statement of the home station;
- d) other signs and inscriptions agreed in the contract of use.

§ 1 a **If, in addition to fulfilling the admission requirements, a vehicle has particular technical features, the keeper** who provides a vehicle, pursuant to a contract referred to in Article 1, **is permitted to mark the vehicle to indicate that it corresponds to these technical features, provided that:**

- a) The technical features and the marking linked to it shall be identified in an agreement between two or more rail transport undertakings and/or keepers.**
- b) The contract referred to in Article 1 shall either contain, or make precise reference to, the agreement referred to under a).**

§ 2 The signs and inscriptions provided for in § 1 **and § 1 a** may be completed by means of electronic identification.

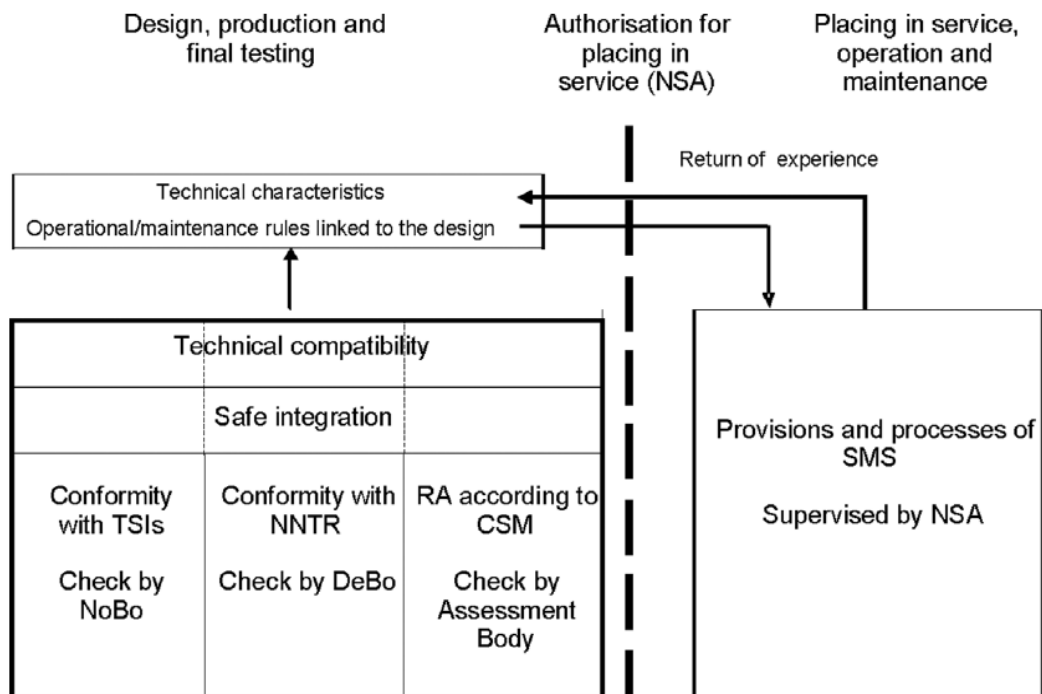
Explanations:

The technical features referred to in §1a may be supplementary to the admission requirements but may not contradict them. Depending on the type of technical features, they will also be subject to assessment during the admission process to assess whether the technical solution complies with the provisions of ATMF and to ensure integration and safety.

The technical features referred to in Article 1a, including operating and maintenance manuals, need to be described in the technical file, in accordance with the provisions of UTP GEN-C.

As the keeper is also responsible for keeping the admission documentation, he should be aware of the technical features of the vehicle and must ensure that the assigned ECM² can maintain the vehicle correctly. The correct design operating state should be guaranteed by correct maintenance by the ECM and correct operation by the RU. This is based on shared awareness of the technical file and by the exchanges of information provided to this end in ATMF.

When projecting the proposal to the diagram below (taken from EU Commission Recommendation 2011/217/EU), the proposal would imply that the particular technical features described by the marking defined in this document would be clearly described in the technical characteristics, which will be the input the rail transport undertaking needs to use the vehicle and for the ECM to maintain it.



² Entity in charge of maintenance according to Annex A to ATMF.

The Secretariat's proposal is not limited to RIC, but also allows other markings. The rail sector should specify in detail the technical features linked to the marking so that vehicles can be adapted to their operational requirements. The contract of use of the vehicle should be clear as to which requirements are complied with.

For example, the contract could make reference to the RIC specifications, the GCU, or any other legally identifiable source. In the absence of such a source, the contract itself could also specify the technical details. Obviously, those specifications should not contradict the harmonised specifications in UTP/TSI.