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International Carriage by Rail

Committee of Technical Experts

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The Report

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Welcome by the OTIF Secretariat

Mr François Davenne (Secretary General of OTIF) opened the 10th anniversary session of the Committee of Technical Experts (CTE). He welcomed all the participants, particularly the representatives of China, Qatar and the Gulf Cooperation Council (GCC)¹, who were attending the meeting for the first time. He reminded the meeting about the achievements in the previous 10 years during which the CTE had succeeded in developing and adopting 15 legal acts and subsequent amendments in international law, the provisions of which enable vehicles to be used in international traffic:

- UTP for freight wagons, locomotives and passenger rolling stock
- UTP concerning assessing entities and harmonised assessment methods
- Common safety method on risk assessment
- A certification scheme for the entities in charge of maintenance of freight wagons
- Specifications for national vehicle registers and for connecting them to create a virtual single international register.

Mr Davenne highlighted the good cooperation between the OTIF Secretariat and the OTIF Member States, the European Commission (EC) and the European Union Agency for Railways (ERA). He also noted that the number of states applying the technical provisions had increased from 24 in 2006 to 42 today. He noted that to become more competitive with other modes of transport the railways would have to improve in order to remain efficient and that this would only be possible through international cooperation. This would involve certain challenges for states in terms of encouraging the operation of complete trains across borders, rather than neighbouring railway undertakings (RUs) handing over vehicles at borders. It would also be necessary to develop provisions to regulate the key elements for - or relating to - interoperable rail transport: vehicle approval, standardisation of the interfaces between infrastructure and vehicles, harmonisation of operational and safety rules for international traffic and international safety certification of RUs for the safe operation of international trains. He reminded the meeting that for this purpose the OTIF Secretariat had introduced the concept of interoperability beyond the EU in 2015. The central idea was to have seamless traffic between Europe and Asia. He therefore also invited China, Qatar and GCC to participate in this important development.

He informed participants that there would be simultaneous interpretation from and into English, French and German and that the session would also be recorded. The list of participants is attached to these minutes as [Annex I](#).

The **representative of the EU** (Patrizio Grillo) supported the Secretary General of OTIF and pointed out that in terms of rail transport, relations between Europe and Asia were one of the EC's main priorities. He informed the meeting about the regular bilateral meetings between the Chinese authorities and the EC and about meetings that took place with the Chinese authorities through OSJD, which indicated that it might be necessary in due course to strengthen links between OTIF, the EU and OSJD. He also informed the meeting that for items 5.1, 5.2, 5.3 and 5.4, the EU would exercise the voting rights of all EU Member States that are also COTIF Contracting States.

China thanked the OTIF Secretariat for the invitation and warm welcome and noted that Chinese participation at this meeting represented the first step in strengthening cooperation between China and OTIF.

¹ Member States of GCC are: Saudi Arabia, Bahrain, the United Arab Emirates, Kuwait, Oman and Qatar.

1. Approval of the agenda

On behalf of the **OTIF Secretariat** (hereinafter referred to as the **Secretariat**), Mr Bas Leermakers (head of the technical interoperability department) explained that the provisional agenda and documents for the 10th session of the CTE had been sent to participants with a circular on 13 March 2017 (circular [TECH17008 e Circular letter CTE10](#)). As there were no requests to amend the agenda, it was adopted without modification.

CTE approved the agenda for the 10th session ([Annex II](#)).

2. Presence and quorum

The **Secretariat** informed CTE that, since the previous session, the Czech Republic had withdrawn its reservation and that Syria's membership had been suspended at its own request. Furthermore, on 12 July 2016, the Secretary General of OTIF and China's National Railway Administration (NRA) had signed a MoU which sets out the initial elements for cooperation.

The **Secretariat** reminded the meeting that members of the CTE with the right to vote were those Member States of OTIF that applied APTU or ATMF at the time of the session, i.e. 42 of the 50 OTIF Member States. It repeated that for items 5.1, 5.2, 5.3 and 5.4, the EU would exercise the voting rights of all EU Member States which were also COTIF Contracting States. This meant that the representative of the EU represented 26 EU Member States with voting rights. The meeting was also reminded that the Secretary General of OTIF had invited China, Qatar and GCC to CTE 10 to participate in an advisory capacity.

The quorum for the adoption of the APTU regulations (UTP NOI and modification of UTP GEN A, UTP B and UTP C) was **21** states, i.e. one half of 42 Contracting States with the right to vote (in accordance with Article 20 § 2 of COTIF). As **26** EU OTIF Contracting States and **3** non-EU OTIF Contracting States were present or represented in the meeting, the number of states entitled to vote was **29**:

There was therefore a quorum for decisions concerning APTU (exceeded by 8).

The CTE voted simultaneously on all three language versions.

3. Election of chairman

The **Secretariat** explained the procedure for the election of the chairman.

After reminding the meeting that Switzerland had chaired all nine previous sessions of CTE very satisfactorily, the **Secretariat** nominated Switzerland, in the shape of Mr **Roland Bacher**, to chair the session. No other candidates were nominated. Mr Roland Bacher accepted the nomination and the **CTE** unanimously elected Switzerland, in the shape of Mr Roland Bacher, to chair the Committee session.

The **Chairman** thanked the participants for the trust it had placed in him. With regard to the CTE's achievements, in addition to what the Secretary General of OTIF had already said, he highlighted that the progress made under the present working principles of WG TECH and CTE was the result of system thinking despite national borders and careful preparation of all the relevant documents. With regard to the agenda, he emphasised item 5.1, under which introduction of the UTP TAF would be discussed and hopefully adopted, and item 6.1, under which the draft new Appendix H concerning the safe operation of trains in international traffic would be discussed. He hoped CTE would deal with all the agenda items in an atmosphere of cooperation.

4. For information

4.1. Report from the Committee of Technical Experts' working group TECH

Document: [TECH-17012](#)

In accordance with the decisions made at the previous CTE (June 2016), the **Secretariat** informed CTE of the results of the working group TECH. The Secretariat had drafted a report and briefly presented the main points of relevance to the agenda of CTE 10.

WG TECH had held three meetings since the 9th session of the CTE:

- 29th meeting on 7 and 8 September 2015 in Lille
- 30th meeting on 16 and 17 November 2015 in Bern
- 31st meeting on 21 and 22 February 2016 in Rome.

The **Secretariat** reminded the meeting that detailed minutes of each meeting had been produced, so those who were unable to attend the meetings could follow the discussions and make themselves familiar with developments.

The **Chairman** concluded that the report of the working group TECH did not raise any questions and that the CTE took note of the report.

4.2. Status of notifications of the national technical requirements according to Article 12 APTU

The **Secretariat** reminded the Contracting States that in accordance with Article 12 of APTU, national technical requirements (NTR) only remain valid if notification is received by the Secretary General of OTIF within 6 months of the day on which the technical provision in question or changes to it entered into force. In response to Italy's question on how many OTIF Member States had notified their NTR, the Secretariat replied that so far, only Switzerland and the EU States had notified their NTR. It also reminded CTE that the notified NTR were available on OTIF's website (http://otif.org/en/?page_id=196).

Conclusion:

CTE noted the information from the Secretariat without further comment.

4.3. Status of the development of the NVRs in the Contracting States

The **Secretariat** informed CTE about the status of the National Vehicle Registers (NVRs) in terms of how many were connected to the European Centralised Virtual Vehicle Register (ECVVR) in the Contracting States as of 19.5.2017:

- **All 26 EU OTIF Contracting States** have their NVR connected to ECVVR
- **4 non-EU OTIF Contracting States** have their NVR connected to ECVVR: Norway, Serbia, Switzerland and Turkey
- **2 non-EU OTIF Contracting States** are in the process of being fully connected to ECVVR: Bosnia and Herzegovina (on-going internal procedure) and Montenegro (connected, but no vehicles are registered in their system)

- **2 non-EU OTIF Contracting States** have no rolling stock of their own and do not therefore need an NVR: Monaco and Liechtenstein
- **The status of the other 8 Contracting States is not known:** Albania, Armenia, Algeria, Iran, Morocco, FYR of Macedonia, Tunisia and Ukraine.

The **Secretariat** reminded the meeting that vehicles which did not appear in the ECVVR might be stopped at borders, as the state into which the vehicles were entering would not be able to check the status of such vehicles in the NVR of the state of origin. It was therefore important that all Contracting States should ensure that all vehicles used in international traffic are duly registered in their NVR and that their NVR is connected to the ECVVR.

FR asked how the ongoing development of the future single European Vehicle Register (EVR)² would affect the compatibility that had been achieved between the NVRs of EU and non-EU OTIF Member States. The **Secretariat** replied that it was closely monitoring ERA's activity in this area and that it provided comments to the work of ERA. In line with the Secretariat's comments, there was consensus in the ERA working group that the changes should not affect the connections that had been established with the NVRs of the non-EU OTIF Member States.

Conclusion:

CTE noted the information from the Secretariat. CTE also endorsed the Secretariat's remark and urged those Member States which have not fully implemented the NVR or which are not yet connected to the ECVVR to review and adapt their national situation as soon as possible.

4.4. Status update on interchangeable coaches

The **Secretariat** informed the meeting of the reasons which had led to the development of requirements for interchangeable passenger coaches. The main idea of this topic, introduced in 2014, was to create requirements at international level which could be used as a basis for the easy exchange of passenger coaches between RUs. The Secretariat pointed out that this was the first time a topic originally initiated by WG TECH had been transferred to an ERA working party for further development. After approval of these requirements at EU level, they would be transposed into the COTIF provisions concerning locomotives and passenger rolling stock (UTP LOC&PAS).

The **representative of the EU** (Patrizio Grillo) informed the meeting that at the end of 2015, ERA had submitted to the EC a recommendation on LOC&PAS TSI to introduce requirements relating to interchangeable coaches. Since then, the 4th railway package had entered into force, which had led to some procedural changes, as a result of which the new provisions had not yet been adopted by the EC. The recommendation had been updated in April 2017 taking into account new elements of the 4th railway package. The revised version of LOC&PAS TSI would be discussed at the RISC meeting, planned for the beginning of 2018 after which the EC could adopt it. This could be followed by a revision of the UTP LOC&PAS with a view to both revised texts, i.e. the UTP LOC&PAS and LOC&PAS TSI, entering into force at the same time.

Conclusion:

The **Chairman** thanked the representative of the EU for the progress report on the revision of LOC&PAS TSI and highlighted the good cooperation between the OTIF Secretariat, DG MOVE and ERA on this subject and hoped that the revised UTP LOC&PAS could be adopted at the next meeting (CTE 11).

² The future single EVR would replace the existing NVRs of all the EU Member States.

4.5. Status of the development of freight noise abatement measures in the European Union

The representative of the EU (Patrizio Grillo) informed the meeting that the problem of rail noise has become a topic of major importance for the EU. He reminded the meeting of the reasons which, in December 2015, had led the EC to issue a policy paper on rail freight noise reduction in the form of a working document³. The document suggested that retrofitting existing freight wagons with composite brake blocks was the most effective way to mitigate rail noise⁴ and was also much cheaper than the construction of noise protection walls, for example. The EC therefore envisaged modifying the TSI Noise so that in addition to the current requirement that only new wagons have to comply with noise limit values, consideration would be given to gradually making these provisions applicable to “international” wagons as a first step, and then to all existing wagons. The EC had mandated ERA to set up a task force on the revision of TSI Noise. The task force should also update the initial impact assessment.

In parallel with the task force, the initial proposal to retrofit existing vehicles had been discussed within RISC, where the majority of the EU MS did not accept the proposal. On the basis of the OTIF Secretariat’s proposal, DG MOVE had therefore developed an alternative, i.e. “the silent section” approach⁵, which the EU’s Legal Service had approved in principle. In practical terms, instead of requiring all old wagons to be retrofitted with composite brake blocks, only those wagons intended for operation on silent sections of the network would have to be retrofitted. Noise would *de facto* become a compatibility parameter between rolling stock and infrastructure. The RU would be responsible for ensuring that it operates only silent wagons on silent routes. The EC was of the view that the criteria for designating whether a section of the network was silent or not should be harmonised. Subsequently, the EU’s Register of Infrastructure should also be updated by adding the new railway noise parameter.

Lastly, the EC would issue a delegated act for the revision of TSI Noise. It was expected that ERA would submit the draft revision of the TSI Noise to the EC in the first quarter of 2018. RISC would then vote on the draft in 2018.

Before opening the discussion, the **Chairman** thanked the representative of the EU for the introduction and noted that the EU’s concept only concerned parts of the railway network, rather than the whole railway network of the EU MS.

With regard to the clarification requested by the **representative of the GCC** as to whether the economic effects of this approach to noise abatement had been investigated and the extent to which noise is an interoperability criterion, **the representative of the EU** (Patrizio Grillo) confirmed that the EC had carried out an impact assessment which included the economic, social and environmental impacts. With regard to the second question, he explained the process of selection of the interoperability parameters and interfaces between the subsystems in general, following which these parameters had been specified in detail in Chapter IV of each of the TSI. In this particular case, the idea was to introduce noise as a new interoperability parameter which would have to be checked in terms of compatibility between the vehicle and the infrastructure.

The **Secretary General of OTIF** pointed out that noise abatement was becoming increasingly important and could have an effect on the freight traffic moving through populated areas. The CTE might therefore have to make some compromises and take some decisions with regard to noise abatement.

³ WG TECH 28, item 13.a, page 11, 16-17 February 2016, Bern.

⁴ This technical solution reduces rail noise by up to 10 dB, which equals to a 50% reduction in audible noise for humans.

⁵ “The silent section” is a part of a network where only wagons complying with TSI Noise pass-by limit values would be permitted to circulate.

IT informed the meeting about several accidents that have occurred throughout the EU recently as the result of broken axles. In all these accidents, the vehicles had been equipped with composite brake blocks (CBB). The accidents were still under investigation. However, initial analysis had showed that one of the causes might be overheating of the wheel(s) [due to braking]. **IT** was of the view that these accidents could have repercussions for retrofitting, and as a result, the technical compatibility between the CBB and the wheels should also be checked.

With regard to the accidents referred to by **IT**, **DE** explained that the problem was recognised at EU level and that ERA had decided to set up a group of experts which would investigate the causes of the accidents. This group would also try to establish which measures should be introduced to reduce the risks related to the causes of the accidents.

Conclusion:

The CTE took note of the information from the EU.

4.6. The future role of ERA concerning vehicle authorisation in the EU

The representative of the EU (Aínhua San Martín) reminded the meeting that following the publication of the technical pillar of the 4th railway package in the EU on 26 May 2016, the revised interoperability and safety directives and ERA Regulation had entered into force on 15 June 2016. The most important new tasks for ERA were the issuing of ERTMS trackside pre-authorisation, authorisations of vehicles intended for operation in more than one EU MS and the safety certification of RUs in cooperation with the national safety authorities (NSA). In cooperation with the NSAs, ERA would also issue a vehicle authorisation/vehicle type *authorisation for placing on the market*, depending on whether the vehicle has an “area of use” in one or more EU MS. If the area of use is limited to one EU MS, authorisation would be issued following a specific request to ERA from the applicant. Bearing in mind that all these provisions are subject to a transitional period, ERA would start issuing certificates and authorisations from 16 June 2019. Furthermore, ERA’s new functions would be provided through the one stop shop service, i.e. through the IT tool that will facilitate and speed up the new processes.

In addition to the cooperation agreement between ERA and NSAs, the representative of the EU explained that the EC would have to adopt an implementing act by 16 June 2018 specifying the practical arrangements for vehicle authorisation. ERA had already prepared the draft implementing act and it had first been presented to representatives of the railway sector and EU MS in April 2017. A draft of the EC’s implementing act would be submitted to the RISC committee in July and it was hoped that it could be submitted to the EU MS for a vote in November 2017.

Before opening the discussion, the **Chairman** thanked the representative of the EU for the introduction and noted that from 16 June 2019 ERA would become a European Union “central approval body” responsible for issuing ERTMS trackside pre-authorisation, vehicle authorisations and safety certification to RUs.

With regard to the clarification requested by the **representative of the GCC** to explain the difference and possible conflict of interests between ERA and the NSAs, the **representative of the EU** (Aínhua San Martín) explained that the roles of both ERA and NSAs are clearly regulated. ERA’s responsibilities are defined in the ERA Regulation, which gives it the role of acting as an *authority* to issue certificates at European level. The tasks of the NSAs are governed by the Safety Directive. With regard to the amalgamation of tasks in the future, it was anticipated that ERA and each NSA would sign a *cooperation agreement* describing their mutual tasks and responsibilities. The representative of **ERA** (Christoph Kaupat) also explained that ERA would be reorganised from the beginning of 2018 to ensure that the different tasks, such as the

development of legislation and issuing of certificates, are separated in order to avoid overlapping.

With regard to the clarification requested by **UNIFE** as to whether the deadline for implementation of the 4th railway package would be extended, the **representative of the EU** (Ainhoa San Martin) confirmed that EU MS would be able to delay implementation of the Interoperability Directive by one year (3+1). However, the deadline for ERA to start its work was June 2019. In addition, **ERA** (Christoph Kaupat) informed the meeting that to rehearse the functioning of these processes, ERA had introduced a so-called “shadow running process”. This would enable the industry to understand how the “one stop shop” would work, as well as the corresponding software for submitting requests for a safety certificate of the vehicle authorisations.

Conclusion:

The CTE took note of the information from the EU.

4.7. Cooperation with NB-Rail

The Vice Chairman of the Association of Notified Bodies for railways (the **NB-Rail Association**), Mr Francis Parmentier, presented the legal background of the NB-Rail Coordination Group and NB-Rail Association. He explained that the Coordination Group had developed into an excellent forum for the exchange of experience and to find solutions to the problems encountered by different NoBos all over Europe, and provided the meeting with more detail about the organisation of coordination in 2017. NB-Rail’s main task was to harmonise and clarify the EC verification procedures, which in practice results in the following documents being issued:

- Recommendations for Use (RfU):
 - a. To ensure uniform application of the current technical provisions of the applicable legislation as established by the EC
 - b. To provide input to improve the applicable legislation,
 - c. Are subject to a three-tier screening process: by technical experts at the subgroup, the strategy group and at the NB-Rail plenary meeting.
- Question and Clarifications (Q&Cs):
 - a. These are communicated to the EC if it is thought that the current technical provisions should be renewed or improved,
 - b. They result in the EC/ERA’s “technical opinion”, or “technical advice”, which offer a solution to the particular problem and must be endorsed at a meeting of RISC.
- Frequently Asked Questions (FAQ), to keep all stakeholders informed about application of the TSIs and EU Directives.

Before opening the discussion, the **Chairman** thanked the NB-Rail Association for the introduction and noted that NB-Rail’s coordination work created a consistent environment for the process of conformity assessment, which in turn improved confidence in connection with the issuing of certificates.

In response to the **GCC**’s request for further clarification of the model for the assessment of NoBos, the **representative of the EU** (Patrizio Grillo) explained that conformity assessment is an important element of the EU’s approach concerning the acceptance of products on the EU market. It must be assessed whether the product in question (service or system) meets all the specific (technical) requirements at EU level. An independent assessment body (NoBo), rather

than the manufacturer of the product in question, should check whether these requirements have been met and that the product is of suitable quality. This increases consumer confidence in the product in question. Furthermore, it is also very important that the NoBos cooperate in terms of harmonising the quality of their work and increasing the various EU MS' confidence in the assessments they perform.

In addition to what was said by the representative of the EU, the **Secretariat** explained that from the COTIF perspective, various options are available to states to discharge the responsibilities for conformity assessments. Assessing entities in the meaning of Article 5 ATMF may be part of the competent authority or NoBos, as in the EU⁶. Each non-EU Contracting State should notify its assessing entity/ies. Vehicle conformity assessment, for example, requires a great deal of expertise, so it might be a viable option to make use of external expertise in the shape of NoBos. Whichever model is applied, the assessments performed by the assessing entities of any OTIF Contracting State should be recognised by the other Contracting States so that repetition of the assessments is avoided. The Secretariat reminded the meeting that the substance of this topic would be further explained and discussed under agenda item 6.6.

With regard to the cooperation that had been established with NB-Rail, the **Secretariat** informed the meeting that NB-Rail had been invited to relevant OTIF meetings and that the non-EU assessing entities would be invited to the NB-Rail subgroup rolling stock meetings. The Secretariat strongly encouraged the assessing entities of non-EU OTIF Member States to take part in these NB-Rail meetings as they provide a discussion forum and a way of staying up to date with the latest developments.

UNIFE welcomed this cooperation as it is important for the rail system and would be beneficial for the industry.

Conclusion:

The CTE took note of the information from the NB-Rail and welcomed the cooperation.

5. For adoption:

The **Secretariat** explained the process for adopting documents. The basis for the CTE to take a decision is described in Article 20 § 1 b) of COTIF and Articles 6 and 8a of APTU, which state that the CTE is competent to take decisions about the adoption of a UTP or a provision amending a UTP. The Secretariat reminded the meeting that there was quorum for decisions concerning APTU (exceeded by 8) and that CTE would vote simultaneously on all three language versions. In accordance with Article 21 of the CTE's Rules of Procedure, a proposal was adopted if the number of votes in favour was equal to at least one third of the members of the CTE represented at the time of the vote and greater than the number of votes against.

With regard to the documents to be voted on, two months before the session the Secretariat had published a decision document for each UTP subject to a decision. Each decision document described the proposal for decision.

The following documents had been submitted to the CTE for a vote:

- UTP TAF (new)
- Modified UTP GEN-A Essential requirements
- Modified UTP GEN-B Subsystems
- Modified UTP GEN-C Technical file.

With regard to the process, the meeting was reminded of the following:

⁶ In other words, EU Notified Bodies are deemed suitable bodies, Point 1.3.2 of UTP GEN-D

- Subsequent to the CTE's decision to adopt or modify the UTP, the Secretary General of OTIF would notify the decision to the Member States in accordance with Article 35 § 1 of COTIF. This would be done by means of a circular letter.
- Notification is the action that formally initiates the process for entry into force of the adopted UTP or its modification. Article 35 § 3 and 4 of COTIF set out the conditions for the modifications to enter into force following their notification.
- Contracting States may formulate an objection against a decision of the CTE within a period of four months from the day of notification. In the case of objection by one-quarter of the Contracting States, the modification shall not enter into force.
- The entry into force of a modification takes place on the first day of the sixth month following the notification (notification before 1 July means that the UTP would enter into force on 1 December).
- One month before the UTP enters into force, it will be announced by means of a circular letter that the UTP in question enters into force in the following month.
- Article 8 §§ 1 and 3 of APTU stipulate that UTP must be published on the Organisation's website at least one month before entry into force. The date of entry into force must be indicated on the website.

The **Chairman** noted that there were no questions or remarks on the above.

5.1. UTP TAF

Document: [TECH-16032](#)

Document: [TECH-17010 decision document](#)

The **Secretariat** reminded the meeting that on the basis of a study submitted to CTE 8 and further discussed at CTE 9, it had been agreed that the TAF TSI should be transposed into a UTP. The proposal was prepared by the Secretariat in close cooperation with ERA, CIT and the EC and in coordination with the WG TECH. The Secretariat drew attention to the fact that the TSI makes reference to the appendices that are published and regularly updated on ERA's website, including the data and message model in XML files. It was agreed that the UTP would also refer to the ERA website for these appendices. In this way, the legal provisions would become enshrined in COTIF, but the IT provisions would be managed by ERA. In addition, provisions would be agreed so that the non-EU OTIF Member States could be involved in the development of these IT provisions.

The **Secretariat** pointed out that implementation of the UTP TAF would not be mandatory for the non-EU OTIF Member States. This meant that there would be no deadline to complete implementation of the UTP TAF. Nevertheless, the Contracting States would have to ensure that if IT investments and developments in the scope of the UTP TAF are made, they are done in a harmonised and compatible way, in compliance with the UTP, so as to facilitate international rail traffic. The Secretariat also pointed out some small deviations from TAF TSI, particularly in points 2.3.2 and 4.2.1.1. The aim of these slight differences was to ensure consistency with CIM. WG TECH 29, 30 and 31 had reviewed these deviations in detail.

The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

The representative of the EU (Patrizio Grillo) informed the meeting that telematics is a very important subject for the EU. The EU supported this proposal and agreed with the Secretariat with regard to the differences between TAF TSI and UTP TAF. In the opinion of the EU, these

minor differences had no impact on equivalence between EU law and COTIF. However, the TAF TSI would be brought into line with the UTP TAF at the earliest convenience.

As there were no other comments, the **Chairman** noted that the proposed decision in document TECH-17010 was ready to vote on:

The **Chairman** counted 29 votes in favour of the proposal, with no objections and no abstentions.

The Committee of Technical Experts adopted the following decisions:

1. The UTP TAF as set out in document TECH-16032-CTE10-5.1a is adopted.
2. WG TECH is asked to develop practical arrangements with the EU Agency for Railways so that the non-EU Member States of OTIF that apply the UTP TAF can be involved in the development of the IT provisions related to the UTP TAF.

5.2. UTP GEN-A

Document: [TECH-16043](#)

Document: [TECH-17011 decision document](#)

The **Secretariat** introduced the subject. The UTP GEN-A concerns the essential requirements for the rail system and has been in force since 1 December 2011 and has since been amended once. The CTE would vote on a proposal to amend the UTP GEN-A for the second time. The changes were mainly editorial, but would also provide some clarification concerning passenger information and safety of passengers when boarding and alighting from trains. The proposed changes were indicated in track changes. The documents had been discussed in detail by WG TECH 30 and 31.

The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

The representative of the EU (Patrizio Grillo) supported the modification of the UTP GEN-A 2015 in order to maintain equivalence with Annex III to Directive (EU) 2016/797 of 11 May 2016 on the interoperability of the rail system within the EU. However, section 1 paragraph 4 of the decision document suggested that the relevant EU provisions of Directive 2008/57/EC of 17 June 2008 had already been repealed, whereas in fact they would be repealed with effect from 16 June 2020.

The **Secretariat** confirmed that the words "...have been repealed and replaced with..." were not correct and should instead read "...are replaced with...". However, this inaccuracy in the document would not affect the decision or the substance of the changes. It therefore proposed to note this in the minutes of the meeting and subsequently in the notification letter from the OTIF Secretariat.

The representative of the EU (Patrizio Grillo) supported the Secretariat's proposal.

The **Chairman** summarised the discussion and concluded that the notification letter would make clear that UTP GEN-A has been harmonised with the provisions of Directive (EU) 2016/797, which replaced Directive 2008/57/EC.

As there were no other comments, he noted that the decision proposed in document TECH 17011 was ready to vote on.

The **Chairman** counted 29 votes in favour, with no objections and no abstentions.

The Committee of Technical Experts adopted the following decisions:

1. The UTP GEN-A is modified in accordance with the changes as set out in document TECH-16043-CTE10-5.2a.
2. The modified UTP GEN-A replaces UTP GEN-A 2015 and UTP GEN-A 2015 is therefore repealed with effect from the entry into force of the modifications which are the subject of this decision.

5.3. UTP GEN-B

Document: [TECH-16044](#)

Document: [TECH-17014 decision document](#)

The **Secretariat** introduced the subject. The UTP GEN-B lists and describes the subsystems referred to in ATMF and has been in force since 1 May 2012. The Secretariat reminded the meeting that this would be the first time UTP GEN-B had been amended. The changes were mainly editorial, including the deletion of the reference to “other railway material”. The proposed changes were indicated in track changes. The documents had been discussed in detail by WG TECH 30 and 31.

The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

CER (Christian Chavanel) suggested that the CTE should adopt the UTP GEN-B as proposed, but that WG TECH should be mandated to investigate further the reasons for the differences between the left and right-hand columns in point 2.1. He suggested that in this point the left-hand column could be improved by adding “bridges”, so that the last sentence would read “Therefore, the infrastructure subsystem only includes the tracks, points and bridges.” In his view, bridges were the only interface with the vehicle that had not been taken into account.

RS reminded the meeting that CTE had never adopted UTPs which concern infrastructure, energy or control-command and signalling subsystems and therefore, in his opinion, there was no need for this amendment, since the left-hand column was in line with COTIF.

DE agreed that the UTPs would have to deal with the interfaces, particularly the interfaces of the vehicles with the infrastructure. The UTPs should be supplemented by national provisions for infrastructure, so that the infrastructure would be compatible with vehicles which comply with the UTPs. It was therefore not necessary to include bridges in the left-hand column. If, despite this, the CTE would deal with the infrastructure subsystem it meant that CTE should also deal with all the other subsystems, such as energy and operations, rather than focusing solely on the interface with bridges.

UNIFE (Christian Zumpe) underlined the importance of the problem of interfaces and said that it would be very useful to discuss this issue at WG TECH.

NB-RAIL shared the concerns expressed by UNIFE and CER. It informed the CTE that the problem of interfaces had been a subject for discussion on several occasions at the NB-Rail coordination group meeting.

The representative of the EU (Patrizio Grillo) repeated the same comment concerning the words “have been repealed” in Section 1 paragraph 4 of the decision document and proposed the same solution as the one that was agreed for the decision document concerning UTP GEN-A.

, The **Secretariat** agreed with the amendment proposed by the EU. It also agreed with DE and reminded the meeting that ground vibration is partly covered by the essential requirement 1.4.5 of UTP GEN-A. However, it also agreed that the issue could be analysed further by WG TECH.

The **Chairman** summarised the discussion and concluded as follows:

1. CTE 10 mandated WG TECH to analyse whether the two-columns in point 2.1 of UTP GEN-B concerning the interfaces between vehicle and infrastructure were appropriate.
2. The notification letter would point out that UTP GEN-B has been harmonised with the provisions of Directive 2008/57/EC, which has been replaced by Directive (EU) 2016/797.

As there were no other comments, he noted that the proposed decision set out in document TECH-17014 was ready to vote on.

The **Chairman** counted 29 votes in favour, with no objections and no abstentions.

The Committee of Technical Experts adopted the following decisions:

1. The UTP GEN-B is modified in accordance with the changes as set out in document TECH-16044-CTE10-5.3a.
2. The modified UTP GEN-B replaces UTP GEN-B with reference A 94-01B/1.2012 v.06 and the latter is therefore repealed with effect from the entry into force of the modifications which are the subject of this decision.

5.4. UTP GEN-C

Document: [TECH-16045](#)

Document: [TECH-17015 decision document](#)

Room document: see Annex III of this report

The **Secretariat** introduced the subject. The UTP GEN-C lays down requirements concerning the technical file referred to in ATMF and is an important document which describes the characteristics of a subsystem, e.g. a vehicle, and how it should be maintained and used. It reminded the meeting that UTP GEN-C had been in force since 1 December 2011 and since then it had been amended once. The newly proposed changes were partly editorial and partly substantial in order to clarify what was required in terms of the content of technical files.

The **Secretariat** also informed the meeting that after the documents had been published, RS had informed it of a possible inconsistency between the proposal and UTP GEN-D (concerning assessment methods). The Secretariat had agreed with RS and had therefore submitted a proposal in a room document in all three languages. The inconsistency concerned the “declarations of *verification*” for interoperability constituents, which do not exist in UTP GEN-D. The correct term was “declarations of *conformity*”. The version of UTP GEN-C in force already referred to “declarations of conformity”, which meant that the proposed amendment was withdrawn.

The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

The representative of the EU (Patrizio Grillo) supported modification of the UTP GEN-C with the amendments proposed in the room document and made the same comment concerning the words “have been repealed and replaced with” as he made for the previous two agenda item. He also proposed the same solution as the one that was agreed for the decision documents concerning UTP GEN-A and UTP GEN-B.

The Secretariat confirmed that it would follow the same approach as for the UTPs GEN-A and GEN-B.

As there were no other comments, the **Chairman** noted that the proposed decision set out in TECH-17015, together with the amendments in the room document, were ready to vote on.

The **Chairman** counted 29 votes in favour, with no objections and no abstentions.

The Committee of Technical Experts adopted the following decisions:

1. The UTP GEN-C 2015 is modified in accordance with the changes as set out in document TECH-16045-CTE10-5.4a, as modified by the room document.
2. The modified UTP GEN-C replaces UTP GEN-C 2015 and UTP GEN-C 2015 is therefore repealed with effect from the entry into force of the modifications which are the subject of this decision.

6. For discussion:

6.1. Interoperability beyond the EU: draft new Appendix H concerning the safe operation of trains in international traffic

Document: [TECH-17001](#)

The **Secretariat** had prepared a draft new appendix to COTIF for discussion at CTE 10 in document TECH 17001 - CTE10 – 6.1. The document included a general introduction to the subject, draft legal proposals and explanations. The draft new Appendix H set out provisions which would regulate and enable the safe operation of trains in international traffic.

The cross-border operation of complete train can potentially make railways much more efficient, but would also require additional harmonisation of, for example, operational rules, safety responsibilities and the licensing of railway undertakings etc. The new Appendix H was intended to be applied by states which already apply APTU and ATMF, which contain provisions concerning rolling stock that is used to form a train to cross a border. One benefit of creating a new appendix, as opposed to extending the scope of ATMF for example, is that states that declare that they will not apply the new appendix may continue to apply ATMF.

The Secretariat then explained the concept behind the draft new appendix, according to which state authorities would issue Safety Certificates for RUs on the basis of harmonised criteria, as proof that an RU is able to operate trains safely in the state concerned. States could also mutually recognise the results of assessments made by other authorities before issuing safety certificates. The concept behind the new appendix was that each state would be responsible for issuing safety certificates for its territory and for supervising the Safety Management System (SMS) of RUs for which they have issued Safety Certificates. All RUs should develop their SMS based on Common Safety Methods (CSM). With regard to infrastructure managers (IM), it was proposed that they should also develop their SMS, but the certification and supervision of IMs should not be subject to COTIF's Uniform Rules, as competence for these matters was at national level.

Lastly, the Secretariat reminded the meeting of the planning and next steps, which would include discussion of the subject by the Revision Committee at the end of February 2018 and a decision by the General Assembly by the end of September 2018. The draft Appendix H would have to be available in OTIF's three working languages by the deadline for documents for the Revision Committee. As a result of the time needed for translations, the draft would have to be ready by the end of July, which was before the next meeting of WG TECH.

The **Chairman** thanked the Secretariat for the introduction and reminded the meeting that the concept of interoperability within the meaning of COTIF had first been presented to the 12th General Assembly in 2015. Subsequently, in 2016, the Secretariat had presented its views to CTE 9, which supported the proposed line of action. CTE 9 had asked TECH to develop this idea further. The Chairman also reminded the meeting that the CTE did not have any decision-making competence with regard to this subject, but owing to its expertise, could provide the Revision Committee with its opinion. Once it had discussed the matter, the Revision Committee could then advise the 13th General Assembly. The General Assembly was the competent decision-

making organ. In order to orient the discussion, the Chairman noted that Appendix H only deals with technical and operational requirements and not access to the network. The latter could be dealt with at a later stage and be discussed at CTE if it fell within the competence of CTE.

The **Chairman** listed all the comments that participants had on Appendix H and then opened the discussion.

Mutual recognition of assessment results (Article 5 § 3)

Following the discussion at WG TECH, the **Secretariat** informed the meeting that it had included in Article 5 § 3 the three options concerning the mutual recognition of assessment results:

1. "... shall take into account the results of",
2. "... are permitted to use the results of", or
3. "... shall accept the results of".

CH (Christophe Le Borgne) supported the OTIF Secretariat's initiative and welcomed the draft Appendix H. With regard to the proposed options, CH supported an option which would avoid duplicating assessments that had already been carried out, i.e. option three.

The representative of the EU (Patrizio Grillo) explained that the European Union fully supported the initiative to harmonise the OTIF framework with the principles of the EU Safety Directive, i.e. to introduce the SMS and CSM principles. However on this specific issue he was expressing a position of the European Commission. He thought the results of the developments would help RUs to develop new services, rather than having to rely on cooperation agreements. In his view the third option was the most logical. However, acceptance of the results should depend on some additional conditions, e.g. whether the CSM on Conformity Assessment had been applied, which did not yet exist in COTIF.

RS supported the third option, but was of the view that only the SMS of the RUs and IMs in general should be certified, and then, as a next step, mutual recognition of these Safety Certificates should be introduced. The precondition for mutual recognition should be the existence of a specific annex setting out a clear procedure and rules for the assessment. All certification authorities would then apply the same process.

DE supported the third proposal and in addition to what the EC had said, proposed that the Certification Authority which carried out the assessment of the SMS should be in a position to confirm that the assessment had been performed in accordance with the CSM, so that other Certification Authorities had a legal basis for not repeating the assessment. This was only possible if the requirements subject to assessments were identical or equivalent. In addition to the harmonised requirements of the SMS, the harmonisation of operational requirements could be also taken into account in the form of an UTP OPE.

The **Secretariat** clarified that the draft Appendix H was based on one safety certificate per RU per state and not on a national part A and an international part B. Each state would issue one certificate per RU, taking into account where possible the results of assessments made in other states. It agreed with DE and RS that the results from previous assessments could be recognised by other Certification Authorities only if performed in accordance with the harmonised provisions. With regard to the transposition of the TSI OPE into COTIF, the legal basis already existed in APTU.

CER was of the view that there should be two sets of requirements: common requirements applicable everywhere and additional specific requirements for each state.

The Secretariat summarised why it had drafted Article 5 § 3 as it did: the Safety Certificate included all the elements required by a state as evidence that an RU could operate trains safely. Some of the elements could not yet be harmonised because of specific operational rules (different signalling, for example). As a result, it was not possible to harmonise all the requirements, so the mutual recognition of Safety Certificates as a whole would also not be possible. This justified the concept proposed by the OTIF Secretariat whereby only the results of the assessment would be mutually accepted, not the Safety Certificates. As a result of the discussion, the Article should be adapted to make clear that only the assessment results which are based on equivalent requirements can be mutually accepted.

The representative of the EU (Patrizio Grillo) proposed that the CTE should mandate the OTIF Secretariat to revise the text slightly, so that mutual acceptance of the assessment results would be mandatory, but only insofar as identical requirements are concerned. The state-specific elements which are not covered by identical requirements should be assessed on a state by state basis.

Editorial amendments to Article 5 § 1

The representative of the EU (Patrizio Grillo) proposed that Article 5 § 1 be amended as follows:

EN version

“Contracting States shall only permit the operation of trains in international ~~their territory~~ traffic by Railway Undertakings whose safety certificate is valid on their territory”.

FR version

“Les États parties n’autorisent l’exploitation de trains en trafic international ~~leur territoire~~ que par des entreprises ferroviaires dont le certificat de sécurité est valide sur ~~ee leur~~ territoire.”

DE version

“Die Vertragsstaaten lassen ~~auf ihrem Hoheitsgebiet~~ nur **den Betrieb von Zügen** von Eisenbahnunternehmen ~~zum im~~ internationalen ~~Betrieb~~ Verkehr zu, **die über eine gültige deren** Sicherheitsbescheinigung auf ihrem Staatsgebiet **gültig ist verfügen.**”

A. The **Chairman** summarised the discussion so far and concluded that:

1. The CTE discussed Article 5 § 3 and supported the mandatory mutual recognition of the assessment results, provided the assessments were based on equivalent provisions;
2. The CTE mandated the OTIF Secretariat to align the text of Article 5 § 3 with the discussion, in particular to say that Certification Authorities must accept the results of assessments made by the Certification Authorities of other states insofar as identical requirements are concerned;
3. The CTE agreed to amend Article 5 § 1 in all three language versions, as proposed by the EU.

Certification of infrastructure managers (Article 5)

RS wondered whether the safety certification of IMs (referred to as “authorisation” in the EU) should also be prescribed, as for RUs in Article 5, bearing in mind that Article 3 § 3 already prescribes that both the RU and IM are required to establish their SMS.

The **Secretariat** confirmed that according to the draft, each RU and IM should have an SMS. It reminded the meeting that COTIF only concerns international traffic. In an interoperable system, RUs would operate in multiple states and a formal certification process should therefore confirm on a state by state basis that the RU is able to operate safely in each state. IMs, on the contrary, generally had their area of operation in one state and their operational activities did not cross borders. Moreover, IMs generally dedicated only a small portion of their activities to international traffic and most of their activities concerned national traffic. It was therefore of the view that each state should decide how it ensured that its IM acted in compliance with COTIF provisions. The Secretariat saw a parallel with Article 8 of ATMF, which states that the railway infrastructure must comply with the provisions contained in UTPs, but that admission and supervision are subject to the regulations in force in each OTIF MS concerned. So the principle concerning infrastructure or its management was that COTIF could describe the objective (e.g. infrastructure must comply with the UTP, or the IM must have an SMS), but it was up to individual states to decide how to implement this objective. When preparing Appendix H, the OTIF Secretariat had followed this principle. Nevertheless, Article 8 § 5 of Appendix H made it possible for the CTE to issue recommendations and best practices. It was proposed that provisions concerning certification and monitoring of IMs could be made in such a form.

The **representative of the EU** (Patrizio Grillo) agreed with RS to the extent that he also saw a certain logic in harmonising the certification of IMs. In his view, it was not sufficient to certify only the SMS of the RUs, as there was an interface between the vehicle and infrastructure, so an RU which entered the territory of another state would also like to be assured that the infrastructure is well maintained and managed. The certified SMS of the IM would give RUs (*with the certified SMS*) confidence that the infrastructure it runs its trains on is in a good state. If Appendix H was not to prescribe how the SMS should be certified, it could be left to the MS to carry out the certification process in accordance with their national rules.

DE suggested differentiating the technical and legal points of view. From the technical point of view, DE agreed with RS and EC. At present, in the EU there was a system which obliges the RU and IM to have a certified SMS, as the RU and IM have an interface with each other. However, from the (international) legal point of view, DE agreed with the Secretariat, i.e. that COTIF only deals with international traffic, while most of the IM’s activities concern national traffic. He pointed out that RUs need to be assured that an IM would be able to organise its operations in such a way that several RUs could operate on its network internationally. This would require IMs to have an SMS, which must be confirmed by an independent authority, so that other RUs could use the infrastructure in question.

The **Secretary General of OTIF** thought that from the technical point of view, compatibility with the infrastructure and the safety of international traffic had to be ensured. However, from the legal point of view, the requirement for the certification of IMs might go beyond the scope of COTIF. He reminded the meeting that international traffic only formed a small part of traffic overall, so requests to the OTIF MS to introduce harmonised certification of IMs’ SMS for international traffic only could be called into question. CTE could however make recommendations and define best practices.

NB-RAIL informed the meeting that some states had entrusted the certification of SMS to private third party assessment bodies (in AT for example).

CER supported the representative of the EU and suggested that if possible, the non-EU OTIF MS should be asked to provide a status report on the certification of IMs' SMS in order to be able to understand the extent of the problem.

In reply to the Chairman's question as to when such a report could be prepared, the **Secretary General of OTIF** explained that a circular letter could be prepared for the attention of non-EU OTIF MS, since the EU OTIF MS already certified IMs' SMS. He also noted that OTIF's concept of interoperability focused on the functions of the IM, rather than on entities that perform the IM's tasks. For example, some non-EU OTIF MS still have integrated railways that combine the functions of both the RU and the IM.

In reply to GCC's question, the **Secretariat** explained that this appendix was being developed primarily for application by the non-EU OTIF MS, as the EU OTIF MS already applied a similar system for traffic between the EU MS. Nevertheless, traffic between EU and non-EU states would come within the scope, so EU states would also benefit. It reminded the meeting that the new appendix would deal with safety and operations, but would not address questions of market access.

The **representative of the EU** (Patrizio Grillo) supported the Secretariat's proposal to use recommendations and practices relating to the certification of IMs, and supported the idea put forward by CER to have a report prepared for the Revision Committee in which the status of certification of IMs' SMS in non-EU MSs would be described.

B. The **Chairman** summarised the discussion on whether or not Appendix H should cover the certification of IMs and concluded as follows:

1. The CTE discussed the subject of IM certification from both technical and the legal points of view. The meeting concluded that from a technical point of view, such certification would be advisable, but that it did not seem feasible from the legal point of view, as it might go beyond the scope of COTIF. Instead recommendations and practices relating to the certification of IMs should be developed;
2. The OTIF Secretariat would prepare a circular letter for the attention of non-EU OTIF MS, requesting them to give the OTIF Secretariat adequate and timely feedback, before the meeting of the Revision Committee, with regard to their national situation concerning the IM, e.g. establishment of SMS, certification and supervision.

Responsibility for the safe operation of trains (Article 3 § 2)

CER was of the view that Article 3 § 2, which made the RU and IM responsible for the safe operation of trains, should be amended to include all the other entities that have a potential impact on the safe operation of trains (maintenance suppliers, manufacturers, keepers, service providers, etc., as defined in Article 4.4 of the EU Safety Directive).

The **representative of the EU** (Patrizio Grillo) supported CER's view and proposed the initial amendment.

The **Secretariat** reminded the meeting of the reasons which had led to the current wording, i.e. that the train falls under the provisions of ATMF before its departure, and during its movement it would fall under the provisions of the new Appendix H. Nevertheless, it could agree to more inclusive wording and proposed amendments which were shown on a screen.

C. The **Chairman** noted that the following amendment was discussed and tacitly agreed:

“Without prejudice to the responsibilities of Entities in Charge of Maintenance of railway vehicles and of all other actors having a potential impact on the safe operation of the railway system, Contracting States shall ensure [...]”.

Editorial amendments to Article 7 § 1

In order to harmonise the various language versions, the EU also submitted the following proposals to the Secretariat (amendments are shown in bold):

EN version

“Railway undertakings shall operate trains in international traffic only within the scope of their **Safety** Certificates.”

FR version

“Les entreprises ferroviaires exploitent des trains en trafic international dans les limites de leur certificat de **sécurité**.”

DE version

“Eisenbahnunternehmen dürfen Züge nur innerhalb des Geltungsbereiches ihrer **Sicherheitsbescheinigung** ~~Be-scheinigungen~~ betreiben.”

These modifications were tacitly agreed.

Development of further detailed provisions such as CSM (Article 8)

The **Secretariat** informed the meeting that it had received two comments from the EU with regard to the list of annexes referred to in the explanatory text in the rectangle at the beginning of the Article.

Firstly, the EU suggested that the list should be transferred to the legal text of Article 8, followed by appropriate deadlines for the adoption of these annexes.

With regard to the EU’s proposal to include the list in the legal text, the **Secretariat** did not see any problem. However, in its opinion the states represented in the CTE could not be forced to adopt provisions before a deadline, and there would be no consequences if the deadline were not be met. The Secretariat instead suggested that the General Assembly could (strongly) recommend that these annexes be developed before a certain deadline. This recommendation would be a political signal and could be used to motivate speedy development.

Secondly, based on the EU’s experience in the past, the EU was concerned that in the absence of these annexes the non-EU OTIF MS might introduce national rules relating to the SMS or CSM, thus making harmonisation more difficult.

RS agreed that the annexes should be incorporated into the legal part rather than in the explanatory part.

With regard to the clarification requested by the representative of the GCC as to how Appendix H could be implemented without a deadline, the **Secretary General of OTIF** added to what the Secretariat had already said by explaining that the development had to be in line with the principle set out in COTIF. A new Appendix not only required the approval of the General Assembly, but also the written approval of each state. He noted that swift implementation of Appendix H depended mainly on the willingness of the OTIF MS themselves. In addition, COTIF allowed MS to opt-out of applying specific appendices. If the OTIF MS wished not to

apply certain appendices to the Convention in their entirety, they could notify the Secretary General accordingly.

The **representative of the EU** (Patrizio Grillo) repeated his concerns with regard to the deadlines for adopting the new annexes. The provisions of Article 5 could not be executed prior to the adoption of the CSM. He also noted that clarification was needed with regard to whether the CTE “shall” or “may” be competent to develop and adopt these annexes. Lastly, he wondered whether the list of annexes was exhaustive and suggested that all these points should be discussed by the Revision Committee.

RS suggested that the CTE should be authorised to adopt any other annexes, if need be.

The **Secretariat** suggested that the word “shall” should be used to ensure that the CTE developed the first four annexes listed in the explanatory note and that the possibility of developing other annexes, if need be, be kept open.

D. The **Chairman** summarised the discussion, noted the consensus and concluded as follows:

1. The CTE agreed to amend Article 7 § 1 in all three language versions, as proposed by the EU;
2. The CTE suggested that the General Assembly should strongly recommend that the annexes to Appendix H be developed before a certain deadline;
3. The CTE decided to include in the legal text of Article 8 the first four annexes, once the Secretariat had redrafted them. The CTE should be competent to develop other annexes, if need be.

Conclusion:

1. The CTE supported the general scope, aims and principles of the draft new Appendix H. The CTE mandated the OTIF Secretariat to modify the text in line with the discussion before submitting it to the Revision Committee. The Revision Committee could subsequently agree to submit it to the 13th General Assembly as a proposal;
2. The OTIF Secretariat would prepare a letter setting out the CTE’s findings for the Chair of the Revision Committee, to be signed by the Chair of the CTE.

6.2. Draft modified APTU: proposal for a recommendation to the Revision Committee

Document: [TECH-17002](#)

The **Secretariat** had prepared document TECH 17002 – CTE10 – 6.2 for discussion at CTE 10. It highlighted the fact that it was important for international traffic that the provisions applicable in the EU and COTIF be harmonised. It also reminded the meeting that following adoption of the fourth railway package, the EU had changed several provisions and that the EC had kept the CTE and WG TECH informed about these changes. On the basis of an analysis by the EC, the Secretariat, in coordination with WG TECH, had prepared modifications to APTU to ensure continued harmonisation with EU law. The Secretariat reminded the meeting that the CTE had no decision-making competence on this subject, but that it could use its expertise to provide the Revision Committee with a reasoned opinion. The Revision Committee had the decision-making competence for these modifications. The proposed changes only concerned Article 8.

The **Chairman** proposed to list all the comments that participants might have on the draft revised APTU, and then to discuss each of them individually.

Article 2e

CER noted the editorial comment in the FR version with regard to the definition of the technical standard and its voluntary application. Bearing in mind the provision of Article 5 § 4, he proposed the following amendment:

“e) « norme technique » désigne une norme d’application volontaire adoptée par un organisme de normalisation international reconnu selon les procédures qui lui sont propres; »

The representative of the EU (Patrizio Grillo) wanted the EC to check the consistency of this proposal with EU provisions. He would inform the OTIF Secretariat of the results of these checks.

Article 8 § 4h

CER wondered whether this point should apply in the case of renewal or upgrading and whether this text could become applicable retroactively.

The representative of the EU (Patrizio Grillo) supported the Secretariat’s proposal to revise APTU. He reminded the meeting that in the EU, in cases of renewal or upgrading, applicants are obliged to submit the technical file to the NSA. Bearing in mind the strategy for implementing the TSIs, as indicated in Chapter 7 of each TSI, the NSA subsequently decides whether a new authorisation is needed. Although the EU supported the text as proposed, he was of the view that the conditions requiring a new authorisation should be clearly defined in UTPs.

Article 8 § 4i

RS was of the view that assessment of the fixed subsystems (installations) would not be possible, as CTE had never adopted the relevant UTP. He suggested that consideration should be given to developing the UTP for fixed installations.

The **Secretariat** agreed with RS that the UTPs did not yet cover fixed installations. The concept of the proposed new text in APTU was not to indicate a need to develop a new UTP, but to require that future UTPs include parameters to check compatibility between vehicles and infrastructure.

The representative of the EU (Patrizio Grillo) informed the meeting that in autumn 2017, ERA would start work on introducing in the TSIs the parameters to check compatibility between vehicles and fixed installations.

Article 8a

In view of the fact that CTE only met once a year, **CER** wondered about the efficiency of the CTE in cases where it was necessary to make urgent amendments to UTPs.

The representative of the EU (Patrizio Grillo) explained that in the EU there are provisions which prescribe what to do in urgent cases. The EC would request a technical opinion from ERA, which would subsequently be validated at one of the three RISC meetings that are held each year. In addition, there was also the option of RISC’s written procedure.

The **Secretariat** reminded the meeting that the conditions for the withdrawal or suspension of certificates for operation are set out in Article 10 § 8 of ATMF and could be used in urgent safety critical cases. Concerning urgent changes to UTPs Article 8a §1 of APTU allowed CTE to take “appropriate measures”. The **Secretary General of OTIF** thought that, instead of modifying Article 8a, WG TECH could prepare a specific procedure for urgent cases, which could then be discussed at the CTE.

The **Chairman** summarised the discussion, and concluded item 6.2 as follows:

1. The CTE noted that the EC would check the language versions of Article 2) and inform the OTIF Secretariat of the results;
2. The CTE dealt with the Article 8 and supported the amendments proposed for the Revision Committee;
3. With regard to how the CTE should act in urgent cases, the CTE noted that the existing legal framework in Article 8a § 1 was sufficient and could be used to develop specific procedures for urgent cases;
4. The OTIF Secretariat would prepare a letter for the Chair of the Revision Committee, to be signed by the Chair of the CTE.

6.3. a)Draft modified ATMF: proposal for a recommendation to the Revision Committee

Document: [TECH-17003](#)

b) ATMF revision questions and considerations

Document: [TECH-17017](#)

The **Secretariat** had prepared document TECH 17003 - CTE10 – 6.3 for discussion at CTE 10. It had been submitted for the same reasons as mentioned in the previous agenda item. The document had been prepared by the Secretariat, in coordination with WG TECH, on the basis of an analysis by the EC. The Secretariat reminded the meeting that the CTE had no decision-making competence on this subject, but that it could use its expertise to provide the Revision Committee with its opinion. The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

RS suggested that Article 6 § 4 be broadened to include the requirement for additional admission in case of incompatibility between UTP compliant vehicles and non-harmonised infrastructure.

In response, **DE** reminded the meeting that after the introduction of Article 6 § 3, a freight wagon that was admitted could be used on each CS’s network. DE explained that it was up to the RUs to ensure that the vehicle’s technical characteristics were compatible with the characteristics of the infrastructure. This meant that, although a vehicle was admitted on all networks, it did not mean that it could be operated on all parts of all networks. On the other hand, Article 6 § 4 covered the case of vehicles for which the interfaces with infrastructure are not harmonised, e.g. traction units for reasons of electrical supply, electromagnetic compatibility, etc. Such provisions were often country specific and could only be checked at national level. Therefore, in DE’s view, the additional admission of vehicles for specific lines, rather than for the whole network, should be avoided.

The representative of the EU (Patrizio Grillo) supported the Secretariat’s proposal to modify ATMF and also proposed a linguistic improvement to make the German text clearer (replace

“Inverkehrbringungsgenehmigung” by “**Genehmigung zum Inverkehrbringen**” in Article 3a, §§ 1, 2 and 3 of the German version). He also endorsed DE’s explanation and was of the view that the question of compatibility between UTP compliant vehicles and the infrastructure was already covered in Article 6, §§2, 3 and 4.

RS proposed that in the third paragraph of Article 10 § 4, in order to maintain consistency throughout ATMF, instead of: “Where the applicant wishes to *change* the area of use...” it should read: “Where the applicant wishes to **extend** the area of use [...]”.

The representative of the EU (Patrizio Grillo) supported RS’s proposal.

The **Chairman** noted that due to time constraints the OTIF Secretariat’s document TECH-17017 could not be dealt with. He suggested that the two subjects it dealt with, i.e. the new role of ERA for vehicle authorisation and the interaction between ATMF and EU law within the meaning of Article 3a of ATMF, be discussed at WG TECH. CTE 10 tacitly agreed with this proposal.

He summarised the discussion, and concluded item 6.3 as follows:

1. The CTE accepted the EU’s proposal to amend Article 3a §§ 1, 2 and 3 of the German version of ATMF;
2. With regard to the question of incompatibility between UTP compliant vehicles and non-harmonised infrastructure, the CTE noted that this point was covered in Article 6 §§ 2, 3 and 4 of ATMF and did not require any amendments;
3. The CTE agreed to use the word: “**extend**” instead of “*change*” in the third paragraph of Article 10 § 4 of ATMF;
4. The CTE mandated WG TECH to analyse and discuss document TECH-17017 and to report its findings to the next CTE meeting;
5. The CTE mandated the OTIF Secretariat to amend the document for the Revision Committee in line with the amendments that were discussed;
6. The OTIF Secretariat would prepare a letter for the Chair of the Revision Committee, to be signed by the Chair of the CTE.

6.4. Explanatory document concerning UTP GEN-G on a common safety method for risk evaluation and assessment

Document: [TECH-16037](#)

The **Secretariat** had prepared explanatory document TECH 16037 for discussion at CTE 10. It informed the meeting that the aim of the explanatory document was to help understand the rules of CSM on Risk Evaluation and Assessment for people not familiar with them. In particular, it explained when the CSM should be applied and summarised the roles and tasks of the proposer and the assessment body. Draft versions of this explanatory document had been reviewed in detail by WG TECH 30 and 31. The uploaded version had been validated by WG TECH 31 for submission to CTE. After review by the CTE, the OTIF Secretariat would publish the document on its website.

The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

The representative of the EU (Patrizio Grillo) supported the Secretariat’s proposal. However, before publishing it on OTIF’s website he asked that the following amendments be made in order to ensure that the document was clear and to ensure legal certainty in the implementation of UTP GEN-G:

- To add a disclaimer at the beginning of the document explaining that it is an explanatory document and is solely for information purposes.
- In order to ensure consistency of the text, "risk management **process**" or "risk assessment **process**" should be used instead of "risk management *procedure*" or "risk assessment *procedure*".

The **Secretariat** agreed to these proposed changes. With regard to the change from "*procedure*" to "**process**", the Secretariat was of the view that this only concerned the English version.

Since there were no additional comments, the **Chairman** concluded that, before publishing it, the document would be amended by the Secretariat in accordance with the discussion.

6.5. a) Results of the RID/ATMF working group

Document: [TECH-16050](#)

b) Letter from the RID-ATMF co-chairs

Document: [TECH-17009](#)

The **Secretariat** reminded the meeting that based on a study carried out in March 2013 analysing the interactions and consistency between railway and dangerous goods legislation, the EU Commission's DG MOVE and the OTIF Secretariat had set up a working group, entitled the "RID-ATMF working group", to study possible inconsistencies between RID and the general railway legislation. The group had a well-balanced composition of experts in both fields of law. The RID-ATMF working group met four times (3 and 4 February 2016, 9 and 10 June 2016, 18 and 19 October 2016 and 8 and 9 February 2017). The RID/ATMF working group agreed that better coordination of the process of developing the two sets of law was required, starting with a certain number of defined topics. Among these topics, the working group agreed that it was necessary to discuss the vehicle aspects in both RID and the TSIs/UTPs as a priority. With regard to this, the group was of the view that an improved coordination process should enable the "protective aims" of vehicle-related requirements to be maintained in RID, whereas technical specifications should be formulated in TSIs/UTPs. A specific process was developed for this purpose. The RID-ATMF working group recommended setting up a "*Joint Coordinating Group of Experts*" (JCGE) to coordinate the current and future regulatory alignments. The conclusions of the RID-ATMF working group would be presented in 2017 not only to the CTE but also to the three other committees involved (at OTIF level the RID Committee of Experts and at EU level RISC and TDG).

The **Chairman** thanked the Secretariat for the introduction. He noted the letter addressed to him (document TECH 17009), which was also published for the attention of the CTE. He asked the meeting whether it endorsed the results of the RID-ATMF working group including the creation of the JCGE. Furthermore, he informed the meeting that once the JCGE was established, the EU Commission's DG MOVE and the OTIF Secretariat would organise its first session.

The representative of the EU (Patrizio Grillo) supported the conclusions of the RID/ATMF working group and the establishment of the JCGE. He also referred to the diagram on page 5 of document TECH 16050, which represents the general coordination process between all the committees involved.

With regard to DE's question as to which representatives of the CTE would participate in this group, i.e. would this be decided on a case by case basis or would the working group comprise permanent representatives of the CTE, the **Chairman** suggested that this question should be discussed and resolved by WG TECH.

The **Chairman** summarised the discussion, and concluded item 6.5 as follows:

1. The CTE endorsed the report of the RID-ATMF working group and therefore also agreed with the formation of the Joint Coordinating Group of Experts;
2. The CTE mandated WG TECH to discuss the organisational details of the CTE's participation in JCGE.

6.6. Accreditation and monitoring of Notified Bodies in the European Union and the relevance to COTIF

Document: [TECH-16039](#)

The **Secretariat** had prepared document TECH 16039 for discussion at CTE 10. The document described the various initiatives taken by the EU to ensure that the conformity assessment of subsystems, such as vehicles, is carried out properly and consistently. It reminded the meeting that the legal environment of COTIF and EU law are not identical but that it was still necessary that vehicles admitted under COTIF or under EU law be designed, built and inspected with equal precision and care. Furthermore, it highlighted the course of action, as proposed in Chapter 4 of the document:

1. To establish a link between NB-Rail and the non-EU assessing entities;
2. To publish and promote the existing accreditation scheme for NoBos among non-EU Competent Authorities as an example of best practice;
3. To follow closely the development of the monitoring scheme for NoBos and to keep WG TECH updated on the results;
4. Once the work is finished at EU level, to make available to non-EU Competent Authorities the experience and best practices concerning the implementation of the monitoring scheme at EU level;
5. To discuss whether and how coordinated monitoring of assessing entities should be established within the framework of COTIF;
6. To consider the need for changes to the UTP GEN-E on assessing entities.

The **Chairman** thanked the Secretariat for the introduction and noted that it was very important that the entire OTIF railway area should achieve the same level of quality level for assessments.

The representative of the EU (Patrizio Grillo) supported the Secretariat's document and the course of action proposed. He agreed with the Chairman and noted the two aspects of this process: the coordination of the NoBos on one hand and the accreditation and monitoring of the NoBos on the other. The latter concerned the development of the accreditation and monitoring scheme, which would have to be approved by ERA's management board. Once the scheme had been approved, it would be submitted to the OTIF Secretariat.

The **Chairman** summarised the discussion, and concluded concerning item 6.6 that the CTE agreed with the course of action proposed in Chapter 4 of document TECH 16039.

6.7. CTE work programme 2017/18

Document: [TECH-17013](#)

The **Secretariat** explained that the aim of this item was to provide a comprehensive overview of the priorities and mandates for the next period. It highlighted the following most important new developments:

- Preparation of amendments to APTU and ATMF for the Revision Committee, on the basis of the documents reviewed in the CTE;
- Development of a draft proposal for a new Appendix H to COTIF concerning the safe operation of trains in international traffic, first for the Revision Committee and then for the General Assembly;
- Facilitating the exchange of (passenger) vehicles in international traffic, by preparing the transposition of the new EU provisions as soon as they become available.

Furthermore, the OTIF Secretariat would continue to monitor developments in the EU and, where relevant, provide input to represent the non-EU MS, particularly in the following areas:

- WP on possible extension of the scope of ECM;
- WAG TSI developments – also with regard to derailment detection devices (DDD);
- LOC&PAS TSI developments;
- European Vehicle Register (EVR);
- Vehicle authorisation processes;
- Accreditation and monitoring of NoBos/assessing entities.

The **Chairman** thanked the Secretariat for the introduction and opened the discussion.

The representative of the EU (Patrizio Grillo) supported the Secretariat's proposal. He also wondered whether the work programme already included the exchange of information, in some form, about the present railway systems in CN or the railway system that was being planned by the GCC, with a special focus on interoperability and safety. If this subject were not included, he proposed that it should be.

CN (Qianying Zheng) supported the EU's proposal. She informed the meeting that some platforms for cooperation and exchange of ideas already existed between the EU and CN. She also announced that the EU would soon launch a project to analyse the interoperability of railway technical standards between EU and CN, the results of which results CN could submit to the CTE.

GCC (Khalid Al Olayan) informed the meeting about developments in the Gulf Region, where the six GCC MS had agreed to build 2200 km of railway lines that would be integrated and interoperable between the GCC MS. The estimated investment for this project was around 15 billion USD. He noted that cooperation between GCC and the OTIF Secretariat, EC and ERA was well established and that in the following months, this would be extended to include UNIFE, UIC and the Monash University of Australia. He invited the CTE members to visit the GCC and expressed GCC's interest in visiting the EU region to become more familiar with railway developments throughout the EU.

The **Secretariat** agreed with the EU's proposal and confirmed that the topic on exchanging information with CN and GCC was in accordance with OTIF's strategy.

Conclusion:

The **Chairman** noted that CTE had discussed and approved the work programme for 2017/2018 on the basis of a document prepared by the OTIF Secretariat. The CTE encouraged the exchange of experience and information with CN and GCC via the OTIF Secretariat.

7. Any other business

The **Chairman** noted that there were no proposals to be discussed under this item.

8. Next session

The **Secretariat** proposed the following dates for the next sessions of the CTE, the standing working group WG TECH and other relevant OTIF bodies:

- 32nd session on 12 and 13 September 2017 in Brussels, hosted by the EC
- 33rd session on 5 and 6 December 2017 (provisional dates) in Bern
- 34th session on 5 and 6 February 2018 (provisional dates) (location to be decided)
- 27 February – 1 March 2018, session of the Revision Committee in Bern
- 12-13 June 2018 (provisional dates), CTE 11 in Bern
- 25-27 September 2018, General Assembly in Bern.

RS proposed to host the 34th WG TECH meeting in Belgrade.

CTE 10 noted these dates and agreed that the proposal by RS could be discussed by the WG TECH during its next session.


9. Closing remarks

The **Secretary General of OTIF** thanked the Chairman for his excellent chairmanship of the meeting and completion of the agenda. He also thanked all the participants for attending the CTE and for their constructive discussions.

The **Chairman** summed up by saying that CTE had worked very well, with the result that one new document and three amendments had been adopted. He also noted that some important documents had been discussed, i.e. Appendix H, APTU and ATMF. He thanked OTIF's Secretariat for preparing the documents on time, the EC and ERA for their support, the EU and non-EU OTIF Member States for their active participation in the discussions and the observers - CER, NB-Rail and UNIFE - as they were in fact the users of the specifications that CTE adopted. Once again he highlighted the participation of China and GCC at CTE 10. The Chairman noted the cooperative working atmosphere. He also thanked the interpreters and closed the 10th session of CTE.


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Agenda**Annex II**

- 1. Approval of the agenda**
- 2. Presence and quorum**
- 3. Election of chairman**
- 4. For information:**
 - 4.1. Report from the Committee of Technical Experts' working group TECH
Document: [TECH-17012](#)
 - 4.2. Status of notifications of the national technical requirements according to Article 12 APTU
 - 4.3. Status of the development of the NVRs in the Contracting States
 - 4.4. Status update on interchangeable coaches
 - 4.5. Status of the development of freight noise abatement measures in the European Union
 - 4.6. The future role of the EU Agency for Railways concerning vehicle authorisation in the EU
 - 4.7. Cooperation with NB Rail
- 5. For adoption:**
 - 5.1. UTP TAF
Document: [TECH-16032](#)
Document: [TECH-17010 decision document](#)
 - 5.2. UTP GEN-A
Document: [TECH-16043](#)
Document: [TECH-17011 decision document](#)
 - 5.3. UTP GEN-B
Document: [TECH-16044](#)
Document: [TECH-17014 decision document](#)
 - 5.4. UTP GEN-C
Document: [TECH-16045](#)
Document: [TECH-17015 decision document](#)

6. For discussion:

- 6.1. Interoperability beyond the EU: draft new Appendix H concerning the safe operation of trains in international traffic

Document: [TECH-17001](#)

- 6.2. Draft modified APTU: proposal for a recommendation to the Revision Committee

Document: [TECH-17002](#)

- 6.3. a) Draft modified ATMF: proposal for a recommendation to the Revision Committee

Document: [TECH-17003](#)

- b) ATMF revision questions and considerations

Document: [TECH-17017](#)

- 6.4. Explanatory document concerning UTP GEN-G on a common safety method for risk evaluation and assessment

Document: [TECH-16037](#)

- 6.5. a) Results of the RID/ATMF working group

Document: [TECH-16050](#)

- b) Letter from the RID-ATMF co-chairs

Document: [TECH-17009](#)

- 6.6. Accreditation and monitoring of Notified Bodies in the European Union and the relevance to COTIF

Document: [TECH-16039](#)

- 6.7. CTE work programme 2017/18

Document: [TECH-17013](#)

7. Any other business

8. Next session

Room document Committee of Technical Experts 13-14 June 2017

Annex III

Sitzungsdokument Fachausschuss für technische Fragen 13.-14. Juni 2017

Document de séance pour la Commission d'experts techniques des 13 et 14 juin 2017

Agenda item 5.4a UTP GEN-C (document: TECH-16045)

TOP 5.4a ETV GEN-C (Dokument: TECH-16045)

Point de l'ordre du jour 5.4a PTU GEN-C (document : TECH-16045)

Amendment number Änderungsnummer No. de la modification	Language version Sprachfassung Version linguistique	Current point (section and page) Aktueller Punkt (Abschnitt und Seite) Point actuel (section et page)	Amendment proposal Änderungsvorschlag Proposition de modification	Justification/comment Begründung/Kommentar Motif/remarque
1a	EN	Page 3, chapter 2c), first indent	- copies of the declarations of verification conformity , if such declarations have been issued ² , [...]	Declarations of verification for interoperability constituents do not exist in UTP GEN-C; the correct term is “ declarations of conformity ”. The version of UTP GEN-C in force already refers to “declarations of conformity”, which means de facto that this amendment proposal is withdrawn and the text should remain as it is in the current version of UTP GEN-C. For information: EU Commission Decision 2010/713/EU refers for ICs exclusively to declarations of conformity or suitability for use.

1b	DE	Seite 3, Kapitel 2c), erster Spiegelstrich	- Kopien der Prüferklärungen <u>Konformitätserklärungen</u> , sofern solche Erklärungen ausgestellt wurden ² [...]	In der ETV GEN-C gibt es keine Prüferklärungen für Interoperabilitätskomponenten; der korrekte Begriff lautet „ Konformitätserklärung “. Die aktuell geltende Fassung der ETV GEN-C bezieht sich bereits auf „Konformitätserklärungen“, was de facto bedeutet, dass dieser Änderungsvorschlag zurückgezogen und der Text in der aktuell geltenden Fassung der ETV GEN-C unverändert bleibt. Zur Information: Der Beschluss der Kommission 2010/713 bezieht sich für IK ausschließlich auf Konformitäts- oder Gebrauchstauglichkeit erklärungen .
1c	FR	Page 3, partie 2, lettre c), premier tiret	- les copies des déclarations de vérification <u>conformité</u> , si de telles déclarations ont été établies ² , [...]	La PTU GEN-C ne prévoit pas de déclaration de vérification pour les constituants d'interopérabilité ; le terme correct est « déclaration de conformité ». La version en vigueur de la PTU GEN-C indique déjà « déclarations de conformité ». Il s'agit donc dans les faits de retirer la proposition de modification et de conserver le libellé actuel de la PTU GEN-C. Pour information : Pour les CI, la décision 2010/713/UE de la Commission européenne prévoit exclusivement les déclarations de conformité et d'aptitude à l'emploi.
2a	EN	Page 3, footnote 2	² In accordance with UTP GEN-D, a declaration of verification <u>conformity</u> may be drawn up on a voluntary or mandatory basis, depending on the applicable law in the Contracting State.	See justification for amendment number 1

2b	DE	Seite 2, Fußnote 2	² Gemäß ETV GEN-D kann die Ausstellung einer Prüferklärung <u>Konformitätserklärung</u> freiwillig oder obligatorisch sein, je nach anwendbarem Recht des betreffenden Vertragsstaates.	Siehe Begründung für Änderung Nr. 1.
2c	FR	Page 3, note de bas de page n° 2	² Aux termes de la PTU GEN-D, une déclaration de vérification <u>conformité</u> peut être établie à titre volontaire ou obligatoire en fonction du droit applicable dans les États parties.	Voir motif de la modification n° 1.