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Committee of Technical Experts

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The Report

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COMMITTEE OF TECHNICAL EXPERTS' DECISIONS

1. Approval of the agenda

The Committee of Technical Experts (CTE) adopted the agenda submitted in document TECH-19004 dated 12.3.2019 with the following amendments: deletion of item 6.3 OTIF/EU mutual recognition of ECM certification bodies and other bodies, as requested by GB, and inclusion of a new topic under item 7 Planning and organisation of work of the CTE, as requested by the European Union.

2. Presence and quorum

The CTE noted that, except for item 5, the quorum was attained.

3. Election of Chair

The CTE unanimously elected Switzerland, in the shape of Mr Christophe Le Borgne, to chair this session.

4. For information:

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

The CTE noted the report from the standing working group technology (WG TECH)

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

The CTE noted the information concerning the development of the NVRs in the Contracting States and connectivity between them.

5. For adoption:

The EU was not in a position to vote on this agenda item; therefore, no decision could be taken at the session. The CTE agreed that the Chair would initiate the vote using the written procedure, which would be scheduled as follows:

- The Chair would send a circular letter on the written procedure, e.g. by the end of August 2019
- The Contracting States would send the OTIF Secretariat their votes within a 3-month deadline, which means that the Contracting States would have to react by the end of November
- The results would then be notified to the Member States, e.g. before the end of 2019
- The Contracting States would send their objections, if any, within four months after the notification, i.e. by the end of April 2020, and
- If the result of the procedure were positive, the modified rules would enter into force on the first day of the sixth month after the notification, i.e. on 1 June 2020.

5.1. Proposal for a decision to modify the NVR specification

The participants agreed to take a decision in accordance with document TECH-19001 in a vote using the written procedure.

5.2. Proposal for a decision to modify Appendix 1 to the UTP TAF

The participants agreed to take a decision in accordance with document TECH-18037 in a vote using the written procedure.

6. For discussion:

6.1. Development of EU centralised vehicle register (EVR) and consequences for the OTIF national vehicle registers

- The CTE noted the development explained in document TECH-18035. The CTE requested its WG TECH to explore the possibilities for the future of vehicle registers, taking into account:
 - o The fact that from June 2021, ERA would no longer provide software or support for the sNVR or for the connection of the EU centralised register with any national vehicle register.
 - o The offer from the EU to use the EU centralised vehicle register jointly and to call it the joint EU/OTIF centralised register.
 - o Questions relating to control, management of access rights and ownership of data in a centralised register.
 - o Questions relating to costs and legal relations (liability) concerning the use and hosting of the centralised register.
 - o Future possibilities for states wishing to use a national register instead of the centralised register.
 - o Risks relating to availability and reliability of data.
- The CTE noted that the OTIF Secretariat had prepared a questionnaire to be sent to the non-EU OTIF CS with the aim of better understanding their situation regarding their NVRs and how they see the possibility of using a central register. The questionnaire would be sent shortly after the CTE 12 meeting, once it had been translated into all the working languages.

6.2. Notifications of the national technical requirements according to Article 12 APTU

- The CTE noted the information in document TECH-18023 and endorsed its content and requested the OTIF Secretariat to publish it on the Organisation's website as an explanatory document.
- The CTE reminded states of their obligations under Article 12 of the APTU to notify their NTRs and, in so doing, to take into account the recommendation in document TECH-18023.

6.3. CTE work programme

- The CTE noted document TECH-19005 and adopted the priorities concerning the revision of the UTPs and other provisions necessary for international freight traffic: Annex A – ECM, UTP NOI, NVR Specification, UTP WAG and UTP Marking.
- The CTE also noted that the WG TECH would start developing annexes to the new EST UR only once the UTPs have been updated.

7. Any other business

7.1. Planning and organisation of work of the CTE

- The CTE noted that in order to accommodate the requirements of the European Union, legislative proposals for the CTE should be published four months prior to the CTE sessions instead of the two months required by the rules of procedure of the CTE.
- The CTE noted that for this purpose the WG TECH sessions usually organised in February would take place in June instead, directly following the session of the CTE.

- The CTE noted that its Rules of Procedure would need to be modified/adjusted accordingly, and asked the OTIF Secretariat to prepare a proposal in coordination with WG TECH.

8. Next session

The CTE agreed that the next CTE meeting would be held in Bern at the Universal Postal Union in June 2020. The date of the meeting would be confirmed by the Secretariat in due course.

Welcome by the OTIF Secretariat

Mr Wolfgang **Küpper** (Secretary General of OTIF) opened the meeting and welcomed all the participants to the 12th session of the CTE ([List of Participants, Annex I](#)). He highlighted the fact that technical interoperability is one of the most important areas of OTIF's work and wished all the participants a productive meeting.

Mr Bas **Leermakers** (Head of the technical interoperability department) provided some practical information and reported on developments after the CTE's 11th session. He also welcomed Mrs Pavli from GR, who was attending a session of the CTE for the first time. Mr Leermakers informed delegates that there would be simultaneous interpretation from and into English, French and German and that the session would be recorded. He reminded delegates that the documents had been available on the website since 12 April.

In connection with the follow-up to decisions taken at the CTE's 11th session in June 2018, he informed the meeting as follows:

- The written procedure for UTP TAF and GEN-B had been launched with a deadline for voting of 30 November 2018. The result of the vote had been positive and the modified provisions entered into force on 1 June 2019 and were available on the OTIF website. Member States had been informed accordingly in a depositary notification.
- The Joint Coordinating Group of Experts (JCGE) had held its first meeting on 6-8 February 2019. It had started examining the issues relating to extra-large tank-containers. The next meeting was planned for 9-11 September 2019 in Bern.
- The 13th session of the General Assembly (GA 13) held on 25-26 September 2018 had adopted minor amendments to the ATMF UR, and had adopted the new Appendix H (EST UR). Entry into force of the modifications to the ATMF UR was pending approval by half of all Member States and entry into force of the EST UR was pending approval by two thirds of all Member States.
- GA 13 had suggested that the CTE should prepare proposals for the annexes to the EST UR before they enter into force, so that the annexes can be adopted without delay once the EST UR enter into force.
- GA 13 had endorsed setting up an advisory working group of legal experts with the following functions:
 - o preparation of draft amendments or supplements to COTIF;
 - o provision of legal advice and assistance;
 - o promotion and facilitation of the functioning and implementation of COTIF;
 - o monitoring and assessing the application and implementation of COTIF;
 - o acting as a forum and think-tank for OTIF's members to raise and discuss relevant legal questions.

This working group could also deal with specific questions at the request of the CTE.

Mr Leermakers also informed the meeting of developments relating to OTIF and COTIF that had taken place since the CTE 11, including:

- The Republic of Moldova announced its plans to accede to COTIF.
- On 7 December 2018, an MoU was signed between the International Union of Railways (UIC) and OTIF with a view to strengthening cooperation.

- On 19 December 2018, an MoU was signed between the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) and the OTIF Secretariat with a view to providing a multilateral regulatory framework to support the development of international rail transport in Asia, particularly South-East Asia.
- On 31 December 2018, the reservation of the United Kingdom concerning the non-application of the CUI UR (CUI UR – Appendix E to COTIF) becomes effective.
- On 1 March 2019, the revised APTU and ATMF UR entered into force as adopted in February 2018 by the 26th Revision Committee.
- On 1 May 2019, Afghanistan became the 51st Member State of OTIF. AF acceded without any reservations.

1. Approval of the agenda

On behalf of the **OTIF Secretariat** (hereinafter referred to as the **Secretariat**), Mr Leermakers explained that the provisional agenda for the 12th session of the CTE had been sent to participants in a circular letter dated 12 March 2019. He reminded delegates that members and observers could request items to be placed on the agenda until 1 May 2019. The Secretariat had not received any requests.

At the meeting, **GB** asked that item 6.3 OTIF/EU mutual recognition of ECM certification bodies and other bodies be deleted. **NB-Rail** suggested that the subject under item 6.3 should be discussed at the next WG TECH. Item 6.3 was therefore removed from the agenda.

At the request of the **European Union (hereinafter referred to as EU)** a new subject was added under agenda item 7 concerning the planning and organisation of work of the CTE.

Conclusion: The CTE adopted the agenda submitted in document TECH-19004 dated 12.3.2019 with the following amendments: deletion of item 6.3 OTIF/EU mutual recognition of ECM certification bodies and other bodies, as requested by GB, and inclusion of a new topic under item 7 Planning and organisation of work of the CTE, as requested by the European Union. ([Approved agenda, Annex II](#)).

2. Presence and quorum

The **Secretariat** reminded the meeting that in accordance with Article 6 (4) of the agreement on the EU's accession to COTIF, "the Union shall, on a case-by-case basis, inform the other Parties to the Convention of the cases where, with regard to the various items on the agendas of the General Assembly and the other deliberating bodies, it will exercise the voting rights" of the CTE members that are also members of the EU, i.e. whether the EU will vote on behalf of all EU states or whether the EU states will vote themselves. In this respect, the Secretary General of OTIF had received a letter from the EU, represented by the European Commission, shortly before the meeting, which was distributed as a room document (European Commission letter dated 11 June 2019, [Annex III](#)).

The **representative of the EU** (Alice Polo) explained that, in accordance with the letter and with regard to the decisions to be taken, the EU would exercise the voting rights of 26 OTIF Contracting States which are also EU Member States, except in relation to agenda item 5, because, due to unfinished internal procedures, the EU was not empowered to vote on this item. The representative of the EU therefore asked if the decision under agenda item 5 could be postponed and submitted for adoption through a written procedure.

The **Secretariat** informed the meeting that for the CTE to take decisions within its competence a quorum of at least one half of the **43** Contracting States, i.e. at least **22** Contracting States, had to be present or represented (in accordance with Article 20 § 2 of COTIF). The Secretariat noted that **26** EU Contracting States and **3** non-EU Contracting

States (BA, CH and RS), making a total of **29** members, were represented throughout the session and that therefore the quorum was attained.

The **Secretariat** also noted that as a consequence of the fact that the EU was unable to vote in relation to agenda item 5, it was not possible for the CTE to take a decision under agenda item 5 at this session. Mr Leermakers suggested explaining the procedural aspect relating to the vote by written procedure at the start of agenda item 5.

3. Election of Chair

The **Secretariat** nominated Switzerland, in the shape of Mr Christophe Le Borgne, to chair the session. No other candidates were nominated. Mr Christophe **Le Borgne** accepted the nomination.

The **CTE** unanimously elected Switzerland, in the shape of Mr Christophe Le Borgne, to chair this session.

The **Chair** thanked the participants for entrusting him with the role. He added that being elected as chair was an honour, as well as a challenge, as this would mean that he would succeed his former colleague, Mr Roland Bacher, who had retired last year and had chaired this committee for more than 10 years with a lot of determination, commitment and professionalism. He then briefly introduced the main agenda items to be dealt with by the CTE 12.

4. For information:

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

Document: [TECH-19007](#)

The **Secretariat** informed the CTE of the results of the working group TECH since the previous CTE session. The Secretariat had drafted a report and briefly presented the main points of relevance to the agenda of the CTE 12.

WG TECH had held three meetings since the 11th session of CTE:

- 35th meeting on 11 and 12 September 2018 in Bern (Ittigen)
- 36th meeting on 27 and 28 November 2018 in Brussels
- 37th meeting on 5 and 6 February 2019 in Bern.

Delegations from the following 9 Member States took part in the meetings: Belgium, Bosnia and Herzegovina, France, Germany, Italy, Romania, Serbia, Switzerland and the United Kingdom.

The European Commission's DG MOVE, ERA, GCC, OSJD, and the international non-governmental organisations CER, NB-Rail, UIC, UIP and UNIFE were also represented at the meetings.

The main results were:

- National Vehicle Register (NVR) Specification – mainly procedural modifications and clarifications proposed for adoption by the CTE.
- The Uniform Technical Prescriptions Telematics applications for freight services (UTP TAF) – agreement was reached on a regular (formalised) process whereby the European Union Agency for Railways (ERA) would draft proposals for amending the UTP TAF; the latest amendments were made accordingly and proposed for adoption by the CTE.
- UTP covering infrastructure was drafted. The scope of the draft UTP was limited to lines intended to be used for international traffic, then to stations, but limited to what

is defined under COTIF and, lastly, to parameters that are relevant in terms of route compatibility with vehicles. The WG TECH had suggested that a proposal for adoption be submitted to the CTE 13.

- National Technical Requirement (NTR) analysis had shown that the NTR and specific cases continue to be necessary and should be more transparent. In addition, a proposal for decision by the CTE was drafted to remind OTIF CS of their obligations concerning the notification of their NTR.
- UTP alignment with the TSIs revised in 2019 – prioritisation of the process was discussed prior to drafting the CTE Work Programme 2019/2020 to be adopted by the CTE 12.
- Cross reference table of “EU” and “OTIF” terminology and EU-OTIF equivalence table – continued to be regularly updated.

The WG TECH also discussed EU developments that are of relevance to COTIF:

- Development of EVR, route compatibility, i.e. status update on modifications to LOC&PAS and WAG TSI, European Register of Infrastructure (RINF), European Register of Authorised Types of Vehicles (ERATV), freight noise abatement, NTR at EU level and Entities in Charge of Maintenance (ECM) regulation.

Conclusion: The CTE noted the report from the WG TECH.

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

The **Secretariat** informed the CTE of the status of connectivity between the NVRs and the ECVVR in the OTIF Contracting States (CS) as of 21 May 2019:

- All 26 EU CS had their NVR connected to EC VVR
- 4 non-EU CS had their NVR connected to EC VVR: Norway, Serbia, Switzerland and Turkey
- 2 non-EU CS were in the process of being fully connected to EC VVR: Bosnia and Herzegovina and Montenegro
- 2 non-EU CS had no rolling stock of their own and did not therefore need an NVR: Monaco and Liechtenstein
- The status of the other 9 CS was not known: Afghanistan, Albania, Armenia, Algeria, Iran, Morocco, North Macedonia, Tunisia and Ukraine.

Conclusion: The CTE noted the information concerning the development of the NVRs in the Contracting States and connectivity between them.

5. For adoption:

With regard to the two documents that had been proposed for adoption at this session, i.e. the NVR specification and the UTP TAF, the **Chair** reminded the meeting that the EU was not in a position to vote on this agenda item at this CTE, so the CTE did not have a quorum for this agenda item. He also reminded the meeting that the representative of the EU had asked if the decision under agenda item 5 could be postponed and submitted for adoption through a written procedure.

With regard to the process for the written procedure, the **Secretariat** referred to Article 21 of the CTE’s Rules of Procedure, and explained its elements as follows:

- At the meeting:
 - Chair of the CTE initiates process of vote by written procedure

- EU is requested to notify to Secretary General how it will exercise the voting rights of its MSs – it was understood that the letter in the room document also served this purpose
- A deadline for responses is set
- After the meeting:
 - The Chair, assisted by the Secretariat, would send a circular letter to the members of the CTE indicating:
 - ✓ Subject and reason for the vote
 - ✓ The proposal
 - ✓ Deadline for response
 - The Secretary General would forward the EU's notification on exercising voting rights to the members of the CTE
- After receiving the votes, the Secretary General would:
 - Confirm receipt of each vote in writing (by e-mail)
 - Notify the results of the voting procedure
 - Notify entry into force

A diagram showing the process explained above is annexed to this report ([Annex IV](#)). The Secretariat proposed a provisional timeline for the written procedure based on last year's experience.

The **Chair** thanked the Secretariat for its explanation and asked if there were any other questions or remarks. He noted that this was not the case and proposed to look into the proposals in detail.

5.1. Proposal for a decision to modify the NVR specification

Document: [TECH-19001](#)

The **Secretariat** reminded the meeting that the NVR specifications set out mandatory requirements for OTIF CS to implement their own NVR in a harmonised way and to connect their NVR to the central search engine so that all connected OTIF CS could search each other's vehicle registers. The modifications concerned the procedures relating to the registers and the registrations and did not concern the NVR software or functioning. The amendments were mainly procedural modifications and clarifications. The Secretariat highlighted that in order to maintain harmonisation between the EU NVR specifications and COTIF NVR specifications, the latter needed to be updated. The proposal had been prepared on the basis of Commission Implementing Decision (EU) 2018/1614. The amendments had been discussed in detail by the WG TECH 36 and 37.

In summary, the proposed modifications included the following:

- Introduction of the new requirement according to which the non-EU Contracting States must inform the Secretary General of OTIF about the contact details of the Registration Entities, which would then be published by the Secretary General of OTIF (a newly added point 2.3)
- Introduction of a deadline (20 working days) to register the changes in the NVR (in point 3.2.3)
- Further clarification of the process of additional registration for those vehicles that have not been registered in the NVR and connected to the ECVVR (3.2.5)

- Further clarification of how to transfer the registration between the NVRs and how to change EVN (3.2.6)
- Updating the tables with access rights (3.3) and the list of harmonised restriction codes (Appendix 1 – Restriction coding)
- Updating the structure and content of the EIN [Appendix 2: country code (field 1) and type of document (field 2)], and
- Editorial modifications throughout the text.

The modifications were presented in the annex to the proposal as track changes compared with the annex to document NVR 2015.

The **Chair** thanked the Secretariat for the introduction and asked if there were any comments or questions. As there were no comments, he then asked if the meeting could agree to submit the proposal for decision in point 5 of document TECH-19001 to a vote by written procedure. As there were no objections, the Chair concluded that the participants agreed to take a decision in accordance with document TECH-19001 in a vote using the written procedure.

5.2. Proposal for a decision to modify Appendix 1 to the UTP TAF

Document: [TECH-18037](#)

The **Secretariat** reminded the meeting that the UTP TAF made reference to technical documents that are published and regularly updated on the website of ERA. As modification of these references would formally constitute modification of the UTP TAF, they must be subject to a decision by the CTE in accordance with Article 20 § 1 b) COTIF and Articles 6 and 8a APTU.

At the WG TECH 35 a procedure had been agreed in which ERA would provide the OTIF Secretariat with an explanation of the modifications to the technical documents. ERA had drafted and submitted to the OTIF Secretariat the proposed document with the requested changes. This document was presented at the WG TECH 37.

The **Chair** thanked the Secretariat for the introduction and asked if there were any comments or questions. He noted that this was not the case and asked if the meeting could agree to submit the proposal for decision in point 5 of document TECH-18037 to a vote by written procedure. As there were no objections, the Chair concluded that the participants agreed to take a decision in accordance with document TECH-18037 in a vote using the written procedure.

The **Chair** summarised and concluded **item 5** as follows:

- The EU was not in a position to vote on this agenda item; therefore, no decision could be taken at the session. The CTE agreed that the Chair would initiate the vote using the written procedure, which would be scheduled as follows:
 - o The Chair would send a circular letter on the written procedure, e.g. by the end of August 2019
 - o The Contracting States would send the OTIF Secretariat their votes within a 3-month deadline, which means that the Contracting States would have to react before the end of November
 - o The results would then be notified to the Member States, e.g. before the end of 2019
 - o The Contracting States would send their objections, if any, within four months after the notification, i.e. by the end of April 2020, and

- If the result of the procedure were positive, the modified rules would enter into force on the first day of the sixth month after the notification, i.e. on 1 June 2020.

6. For discussion:

6.1. Development of EU centralised vehicle register (EVR) and consequences for the OTIF national vehicle registers

Document: [TECH-18035](#)

The **Secretariat** reminded the meeting that on 25 October 2018, in accordance with its fourth railway package the EU had adopted a decision amending the NVR Decision¹ and had laid down the technical and functional specifications of a centralised register, which would in future replace the NVRs of the EU Member States, referred to as EVR. The EVR should become operational by 16 June 2021, at which time ERA's technical support for the Virtual Vehicle Register (VVR) will be discontinued. The EU Member States have the option to continue registering vehicles at national level until 16 June 2024. In such cases, the national register would have to be connected to the EVR. States must ensure compatibility and communication with the EVR. After 16 June 2024 EU states would no longer be permitted to use national registers and would be required to use the central register.

The Secretariat pointed out that if no action were taken by OTIF, the VVR and NVR would be discontinued in June 2021, so the EU EVR and the non-EU NVRs would no longer be connected, as a result of which vehicle data would no longer be mutually retrievable. This could negatively impact the use of vehicles in international traffic.

At the request of the WG TECH 36, the Secretariat had prepared document TECH-18035. It described the development of the EVR and reflected on the consequences for connectivity and data exchange with other existing NVR of the non-EU OTIF CS. It also looked at several possible scenarios to ensure that in future, the relevant vehicle data could continue to be exchanged between OTIF CS. The WG TECH 37 noted that scenario 1 (single centralised OTIF/EU vehicle register) and scenario 3 (a combination of a centralised OTIF/EU vehicle register and national registers of some non-EU OTIF CS which would coexist) should be analysed further.

The Secretariat reminded the meeting that in its view scenario 3 was preferred, i.e. a centralised vehicle register should not exclude the existence of national registers of non-EU states, and that connection between different registers should be ensured. With the aim of better understanding the situation in the non-EU OTIF CS regarding their NVRs and how they see the possibility of using a central register, the Secretariat was preparing a questionnaire to be sent to the non-EU OTIF CS.

The Secretariat emphasised that it was important to consider and analyse the alternative scenarios. Relevant questions in this respect were:

- If the possibility of connected registers should continue to exist, who should ensure the connection and who should bear the costs?
- Who should bear the costs of using the centralised register, how high would the costs be and how should compensation be organised?

¹ Commission Implementing Decision (EU) 2018/1614.

For the EU Member States the option to continue registering vehicles at national level was limited in time until 16 June 2024. The Secretariat suggested that such option should continue to exist for the non-EU OTIF CS also after 16 June 2024 ([Annex V](#)).

The **Chair** pointed out that without the possibility of exchanging vehicle data, international traffic would be affected, and the WG TECH had suggested exploring the possibilities for the future of vehicle registers.

The **representative of the EU** (Alice Polo) suggested carrying out more in-depth analysis of the possible costs relating to the preferred scenarios.

RS (Milan Popović) said that it was still too early to conclude which option was the most appropriate. He asked for clarification on the way forward and who would manage the exchange of data between the NVRs and the EVR for the 2020-2024 period and who would cover the costs for using EVR.

The **Secretariat** suggested that non-EU states should also continue to have the possibility of decentralised registration after 16 June 2024 by linking their national vehicle registers to the central register. States choosing to do so should be responsible for compatibility and connectivity with the central register. States would have to establish the interface based on the specifications that would be available by November 2020.

The **representative of the EU** (Alice Polo) confirmed that the existing NVRs of the EU OTIF CS would cease to exist on 16 June 2021 and that D-ARS should allow the smooth migration of vehicle data from NVRs to the EVR. She further explained that EU MS were already working on migration plans, so that the migration of the data should be finished by 16 June 2024.

CH (Christophe Le Borgne) informed the meeting that CH's NVR includes vehicle data for both normal and narrow (metric) gauges. CH considers the EVR as a register for interoperable vehicles only, in which case, CH would have to have another national register for other types of vehicles. CH was open to any proposal that would result in avoiding the existence of two separate registers. He informed the meeting that the current NVR connection solution (i.e. via ECVVR to other registers) was working satisfactorily.

With regard to point 2 of the proposed decision, which concerned CTE's request to WG TECH, the **representative of the EU** (Alice Polo) suggested adding an analysis of risks relating to availability and reliability of data.

NB-RAIL (Francis Parmentier) agreed with CH and suggested that it would be useful to find out the positions of other non-EU OTIF CS in terms of different gauges and to include these positions in the analysis.

The **Secretariat** agreed with NB-Rail and said that the situation could vary among OTIF CS. It pointed out that this would be one of the subjects of the questionnaire that would be sent to non-EU OTIF CS in order to better understand their requirements and views.

In response to the Chair's question as to whether the deadline of 16 June 2021 could be postponed, the **representative of the EU** (Alice Polo) said that this was not possible within the EU's present legal framework.

The **Chair** summarised and concluded **item 6.1** as follows:

- The CTE noted the development explained in document TECH-18035. The CTE requested its WG TECH to explore the possibilities for the future of vehicle registers, taking into account:
 - o The fact that from June 2021, ERA would no longer provide software or support for the sNVR or for the connection of the EU centralised register with any national vehicle register.

- The offer from the EU to use the EU centralised vehicle register jointly and to call it the joint EU/OTIF centralised register.
 - Questions relating to control, management of access rights and ownership of data in a centralised register.
 - Questions relating to costs and legal relations (liability) concerning the use and hosting of the centralised register.
 - Future possibilities for states wishing to use a national register instead of the centralised register.
 - Risks relating to availability and reliability of data.
- The CTE noted that the OTIF Secretariat had prepared a questionnaire to be sent to the non-EU OTIF CS with the aim of better understanding their situation regarding their NVRs and how they see the possibility of using a central register. The questionnaire would be sent shortly after the CTE 12 meeting, once it had been translated into all the working languages.

6.2. Notifications of the national technical requirements according to Article 12 APTU

Document: [TECH-18023](#)

The **Secretariat** reminded the meeting that this paper was part of the follow-up to CTE 11, which had requested the WG TECH *to analyse the need for further action concerning National Technical Requirements, including possible modification of the provisions of APTU Articles 12 and 13 (publication and alignment of national technical requirements), and bearing in mind that NTR under COTIF only concern international traffic*. Previous versions of this paper were discussed at the WG TECH 35, 36 and 37. The discussions revealed that both NTRs and specific cases continued to be necessary. In order to highlight the issue, it was recommended that the CTE should remind states of their obligations under Article 12 of the APTU to notify their NTRs. In so doing, states were recommended to take the following into account:

1. NTRs may cover vehicles only and should not repeat or contradict UTP provisions. Open points or specific cases in the UTPs may refer to NTRs. NTRs may stipulate requirements additional to the UTPs to ensure technical compatibility. The notification should indicate the relation between the NTR and the UTP.
2. Vehicle provisions required by states which replace or supplement provisions in chapters 4, 5 and 6 of a UTP should not become NTRs, but should be included as specific cases in chapter 7 of the same UTP.
3. States which are members of the European Union could jointly notify their NTRs as per established practice. Account should be taken of the fact that there is a difference between the scope and aims of the NTRs under COTIF and the notified national technical rules (NNTRs) defined in European Union law.
4. Specific cases should indicate how conformity should be assessed and, if this cannot be done by any assessing entity, who can do it.

In response to ERA's question as to whether the format of notification was prescribed, e.g. notification letter with the attached table or link to the database, the **Secretariat** said that this was not the case and that according to current practice the OTIF Secretariat publishes links on the OTIF website to the NTRs once these were notified. It was pointed out that when NTRs are notified, the Secretariat did not check the validity of notified requirements, as it did not have the competence to decide whether or not they are justified. It was in the remit of national competent authorities to ensure that only requirements which met the provisions of the APTU were notified.

UNIFE (Christian Zumpe) wondered whether the structure of the NTR is harmonised at OTIF level as it is, for example, at EU level, and if not, was harmonisation necessary. In practical terms, all the NTRs would be pre-structured in accordance with an individual requirement or parameter.

The **representative of the EU** (Alice Polo) explained that a uniform structure of the NTRs was harmonised at EU level and that all EU MS needs to notify their NTRs in accordance with the list of parameters for classifying national rules².

CH (Christophe Le Borgne) shared UNIFE's view that a common structure which would facilitate comparison between the requirements contained in the UTPs and those contained in the NTRs might be useful.

The **Secretariat** questioned the practical use of such classification, as only the EU and CH had notified their NTRs to the OTIF Secretariat so far and these NTRs had already been classified in accordance with EU rules. The Secretariat suggested that the CTE should first discuss document TECH-18023, as it was proposed, and then discuss how to proceed further.

The **representative of the EU** (Alice Polo) asked for clarification of the term: "established practice" as recommended in point 5.3 of the document. With the fourth railway package, a clear framework for NTRs was introduced, but during the transitional period, it would be the case that in the same period the two versions of the same TSIs, with the relevant NTRs, would be valid.

The **Secretariat** explained that the notification should indicate the relation between NTRs and the UTP. It also pointed out that many of NTRs at EU level were intended for domestic traffic, i.e. for specific parts of the network, while UTPs were applicable to international traffic only.

The **Chair** summarised and concluded **item 6.2** as follows:

- The CTE noted the information in document TECH-18023 and endorsed its content and requested the OTIF Secretariat to publish it on the Organisation's website as an explanatory document.
- The CTE reminded states of their obligations under Article 12 of the APTU to notify their NTRs and, in so doing, to take into account the recommendation in document TECH-18023.

6.3. CTE work programme

Document: [TECH-19005](#)

- Strategy concerning the alignment of the UTPs with the TSIs revised in 2019

The **Secretariat** reminded the meeting that from their inception, all the technical provisions of COTIF had been based upon provisions developed in the EU. This was partly explained by the fact that 26 of the 43 states that apply the APTU and ATMF are also members of the EU and that therefore compatibility of the rules was indispensable for these states. The adoption of the fourth railway package at EU level had led to changes in the legal framework of the EU on interoperability and safety, including a new process for vehicle authorisation and safety certification of railway undertakings. Compatibility between the COTIF technical provisions and provisions of EU law was important for the continued mutual acceptance of vehicles authorised or admitted in accordance with equivalent provisions.

² COMMISSION DECISION of 30 November 2009 on the reference document referred to in Article 27(4) of Directive 2008/57/EC of the European Parliament and of the Council on the interoperability of the rail system within the Community (2009/965/EC), as last amended by COMMISSION IMPLEMENTING DECISION (EU) 2015/2299 of 17 November 2015.

The CTE work programme presented the principles underlying a sustainable legal framework for international rail transport, the updating of the UTPs and ATMF annexes, further development of the EST UR (Appendix H) and proposed a revision work plan. The Secretariat pointed out that it did not have the resources to deal with all modifications at once and therefore priorities should be agreed.

Discussions at the WG TECH 37 had revealed that priority should be given to UTPs concerning freight wagons, i.e. UTP NOI, UTP Marking and UTP WAG. They would be discussed in 2019 and 2020 at the WG TECH 38, 39 and 40 for adoption at the 13th session of the CTE in 2020. As reported earlier, the UTP infrastructure was drafted in 2018 and 2019 on the basis of the 'old' TSI INF. In the meantime, the EU had adopted a revised version of the TSI. As a consequence, the WG TECH 37 proposed that the draft UTP should not be submitted for adoption at the 12th session of the CTE in 2019; instead, the draft should be updated and brought into line with the latest version of the TSI and proposed for adoption together with the UTPs that are relevant to freight wagons at the 13th session of the CTE in 2020. The second set of UTPs (UTP LOC&PAS and UTP PRM) would be discussed in 2020 and 2021 at the WG TECH 41, 42 and 43 and would be adopted at the CTE 14. The ATMF Annex A on ECM and NVR Specifications would also be reviewed in this time period.

FR (Cécilia Le Gal) asked whether the parameters concerning route compatibility regulated by OPE TSI would be regulated in UTP WAG or elsewhere, as a separate document or as part of the (new) UTP on operations (OPE).

The **Secretariat** explained that as the operations themselves were outside of the scope of the APTU and ATMF, there was no UTP OPE. However, the technical parameters of the OPE TSI concerning route compatibility had been included in annexes to the UTP WAG and the UTP LOC&PAS.

In connection with the extension of the scope of the ECM rules in the EU, **GB** (Peter Coverdale) asked whether it was necessary to clarify further the mutual recognition of the ECM certificates in the EU and non-EU CS, and the possible limitation of this mutual recognition if the ECM certificates are issued in accordance with the ATMF – Annex A, i.e. for international traffic.

The **Secretariat** explained that the ECM certificates issued in accordance with the ATMF – Annex A or equivalent EU law should be mutually recognised. However, as COTIF is limited to international traffic only, whereas EU law applies to both international and national traffic, mutual recognition would be limited in scope depending on the interpretation of 'international traffic'. To illustrate, it suggested that probably most people would agree that a British vehicle operated between London and Paris was in international traffic, if however the same vehicle would continue to be operated between Paris and Lyon it was less obvious whether it was still in international traffic. It reminded the meeting that the EU had recently modified its ECM regulation. The new EU regulation had only become available after the 2019/2020 work programme had been prepared. In order to ensure continued equivalence between EU and OTIF provisions it would be necessary to review the OTIF provisions as well. As having a mutually recognised ECM was one of the conditions for the use of vehicles in international traffic, the Secretariat was of the view that the WG TECH should develop proposals for the next CTE session in 2020 and suggested including this task in the 2019/2020 work programme.

NB-RAIL (Francis Parmentier) agreed that Annex A – ECM should be discussed in detail at the WG TECH. He questioned whether the three WG TECH meetings would provide sufficient time for discussion. He pointed out that there was still an issue in the ECM, such as CSM, which needed to be discussed at OTIF level. He was of the view that discussion on ECM should start as soon as possible.

The **Chair** pointed out that ECM was a very important subject. He also reminded the meeting of the limited resources available in the OTIF Secretariat and the number of meetings would

not allow all the UTPs to be amended at the same time. He then asked the meeting to include Annex A of the ATMF as a first priority. Consequently, the UTP INF would become a second priority.

RS (Milan Popović) was also of the view that Annex A of the ATMF was more urgent than UTP INF.

CER (Christian Chavanel) agreed with RS and NB-Rail. He was of the view that UTP WAG and UTP Marking should be dealt with simultaneously.

The **Secretariat** supported the Chair's proposal and pointed out the importance of the ECM and UTP NOI as they were relevant to existing vehicles. It suggested that the NVR Specification should be also included as a first priority, as after June 2021 the current ECVVR system would stop functioning.

The **representative of the EU** (Alice Polo) agreed with all the previous speakers and supported the Chair's proposal.

Following the discussion, the **Secretariat** updated the list of priorities as follows:

- The first priority UTP revisions (2019-2020): Annex A – ECM, UTP NOI, NVR Specification, UTP WAG and UTP Marking.
- The second priority UTP revisions (2020-2021): UTP LOC&PAS, UTP PRM and UTP INF.

The **Chair** noted that the meeting tacitly agreed about the priorities.

As a follow up, the **Secretariat** suggested that the CTE should also discuss and agree the following principles for preparing UTP drafts:

- The objectives and scope of COTIF and EU law concerning railways are not identical and different terminology would be used to explain similar, if not the same concepts.
- With the aim of improving clarity and simplifying the registration of text modifications as much as possible, a cross-reference table would be added (in Chapter 0), which would list the terms used in the UTP concerned and the corresponding terms used in the relevant TSI. This would limit the use of a 2-column layout to matters of substance only.

For example: avoid using a 2-column layout only for the acronyms "UTP" (left-hand side) and "TSI" (right-hand side). This principle was already used for drafting the UTP INF and had been agreed by WG TECH.

CER (Christian Chavanel) said that the 2-column layout was a very useful tool and that it should be kept, as all the differences between COTIF and EU law were shown in one document.

DE (Michael Schmitz) reminded the meeting that this subject had been discussed at the WG TECH 34 (Belgrade, February 2018), where it had been noted that the 2-column layout was useful for the industry and railway sector in the EU and that it encourages the use of COTIF. In his view, the 2-column layout was not just intended to show the different terms, but to show differences of substance between the two different legal regimes, for example the different approval regimes under the ATMF and the EU's Interoperability Directive. He pointed out that if the 2-column layout were modified, the same principle should be applied to all other UTPs, providing users with the same information.

The **Secretariat** pointed out that the differences in substance or in legal references would still be clearly highlighted in the 2-column layout. All differences in substance would also be in the 2-column layout. For the next WG TECH, the Secretariat suggested preparing an example of a UTP in which the two columns would only indicate differences in substance and legal

references and would not be used purely for editorial purposes. The WG TECH could then decide how further work should be carried out.

The **representative of the EU** (Alice Polo) agreed with the principles, but said that it had to be clearly stated in each UTP which terms the 2-column layout would not be used for.

The **Chair** invited the Secretariat to prepare the first priority UTPs, following the proposed principle, for discussion at the next meeting of the WG TECH.

- Development of the annexes to Appendix H to COTIF

The **Secretariat** reminded delegates that in September 2018, at the 13th session of the General Assembly, a new Appendix H to COTIF had been adopted. It pointed out that entry into force of the EST UR was pending approval by two-thirds of the OTIF Member States which, according to previous experience, may take several years. The General Assembly recommended that the CTE prepare proposals for annexes to the EST UR before the EST UR enter into force. The proposals could then be adopted by the CTE without delay after the EST UR enter into force. Considering the workload and resources available in the OTIF Secretariat, it was also proposed that the work on the annexes should begin once the UTPs have been revised. The annexes to be developed would include:

- A Common Safety Method (CSM) for safety management system requirements to be applied by Safety Certification Authorities when issuing Safety Certificates and by railway undertakings and infrastructure managers when developing, implementing, maintaining and improving their safety management systems;
- A CSM on monitoring to be applied by railway undertakings and infrastructure managers and entities in charge of maintenance;
- The necessary links to the CSM on risk evaluation and assessment to be applied by the railway undertakings, infrastructure managers and entities in charge of maintenance when making any technical, operational or organisational change to the railway system;
- A CSM on supervision to be applied by Supervision Authorities.

Furthermore, the CTE should consider including harmonised procedures for issuing Safety Certificates. Lastly, the Secretariat pointed out that the WG TECH would start developing annexes once the UTPs have been updated in accordance with the CTE work programme.

NB-RAIL (Francis Parmentier) welcomed the proposal. He pointed out that ERA's development of the CSM on safety performance would result in the creation of a complete and consistent package at OTIF level.

The **Chair** noted that there were no further comments or questions with regard to the development of annexes to Appendix H to COTIF. He then asked delegates whether they would agree with the proposal for decision in point 7 of document TECH-19005.

The **Chair** summarised and concluded **item 6.3** as follows:

- The CTE noted document TECH-19005 and adopted the priorities concerning the revision of the UTPs and other provisions necessary for international freight traffic: Annex A – ECM, UTP NOI, NVR Specification, UTP WAG and UTP Marking.
- The CTE also noted that the WG TECH would start developing annexes to the new EST UR only once the UTPs have been updated.

7. Any other business

7.1. Planning and organisation of work of the CTE

The **representative of the EU** (Alice Polo) explained that at EU level, the European Commission required more time between the publication of proposals and the CTE session to obtain voting rights for decision making at the CTE. To avoid another vote by written procedure in the future, she proposed that the CTE discuss a new process which would allow the publication of proposals four months prior to the CTE session, instead of two months as required by the CTE's Rules of Procedure.

The **Secretariat** showed delegates a diagram illustrating the current process for the provision of documents for the CTE. After reminding the delegates that the three WG TECH meetings were held between each session of the CTE, the Secretariat suggested several options to meet the EU's request:

- The CTE sessions to be held every 14 months; the three WG TECH meetings between the CTE sessions would be maintained
- Annual CTE sessions to be maintained, but with the two WG TECH meetings between them
- Provision of documents for the WG TECH two weeks before the meeting, instead of 1 month as at present.

It also pointed out that in order to facilitate the MS' preparations and decision-making at EU level, the CTE's Rules of Procedure should be revised. The amendments to the CTE's Rules of Procedures would focus mainly on planning and the timeline for preparing and submitting documents.

The **Chair** summarised the discussion that followed and noted that delegates were not in favour of having less than the three WG TECH meetings between the CTE sessions. He also noted that delegates preferred the option to maintain annual sessions of the CTE. Lastly, he noted that delegates were not in favour of holding virtual/skype conferences or meetings.

Following a brainstorming session, the **Secretariat** showed an updated diagram of the process for providing documents for the CTE ([Annex VI](#)). Among other things, the diagram reflected the fact that legislative proposals for the CTE should be published four months before each session, while other documents should be published two months prior to each session, and that documents for the WG TECH would still have to be published one month prior to the meeting, unless decided otherwise. The Secretariat pointed out that in future, the usual February meeting of the WG TECH would take place in June, directly after the CTE session. It also reminded the meeting that the CTE's Rules of Procedure needed to be revised, so the CTE's 2019/2020 work programme would have to be updated accordingly.

NB-RAIL (Francis Parmentier) suggested that rather than two half-days, the WG TECH should be held over two full days.

The **Chair** summarised and concluded item 7.1 as follows:

- The CTE noted that in order to accommodate the requirements of the European Union, legislative proposals for the CTE should be published four months prior to the CTE sessions instead of the two months required by the rules of procedure of the CTE.
- The CTE noted that for this purpose the WG TECH sessions usually organised in February would take place in June instead, directly following the session of the CTE.
- The CTE noted that its Rules of Procedure would need to be modified/adjusted accordingly, and asked the OTIF Secretariat to prepare a proposal in coordination with WG TECH.

The **representative of the EU** (Alice Polo) thanked the CTE for its understanding and its support for the European Commission's proposal.

8. Next session

Following the decision under agenda item 7.1 and the discussion under this item, the **Secretariat** proposed a revised meeting calendar, where the usual February meeting of the WG TECH would be held in June, directly after the CTE session. The following dates for the next sessions of the CTE and standing working group WG TECH were proposed:

- 38th session of the WG TECH on 11 and 12 September 2019 in Bern
- 39th session of the WG TECH on 19 and 20 November 2019 in Brussels
- The CTE 13 in June 2020 in Bern (date to be decided)
- 40th session of the WG TECH in June 2020 in Bern.

Conclusion: The CTE noted these dates and agreed that the next CTE meeting would be held in Bern at the Universal Postal Union in June 2020. The date of the next CTE meeting would be confirmed by the Secretariat in due course.

[Post meeting note: The date for CTE 13:

- 16 June 2020 afternoon (13:00 – 17:30)
- 17 June 2020 morning (09:00 – 12:30)]

9. Closing remarks

The **Chair** summed up the meeting by saying that the CTE had worked very efficiently and cooperatively. He noted that delegates had discussed and agreed to vote on amendments to the NVR specification and Appendix 1 to UTP TAF using the written procedure. He also noted that the CTE had mandated the WG TECH to analyse the future of the NVRs, requested the Secretariat to publish the NTR document on OTIF's website and, lastly, had adopted a work programme for 2019-2021. He thanked the Secretariat for preparing the documents on time. He also thanked the interpreters, the EC and ERA for their support and the EU and non-EU OTIF Member States and observers (CER, NB-Rail, OSJD, UIC and UNIFE) for their active participation in the discussions.

As this was the last OTIF meeting for Ms Cécilia Le Gal (FR) and Mr Christian Chavanel (CER) who were moving on to new roles and responsibilities, Mr Bas **Leermakers** thanked them both for their very helpful and productive cooperation and wished them all the best in their future endeavours.

List of participants**Annex I****I. Gouvernements / Regierungen / Governments****Allemagne/Deutschland/Germany**

M./Hr./Mr. Michael **Schmitz** Leiter Stabsstelle 92
 Eisenbahn-Bundesamt
 Anerkennungsstelle für Benannte Stellen,
 internationale Angelegenheiten

Autriche/Österreich/Austria

M^{me}/Fr./Ms Karin **Guggenberger** Sachbearbeiterin
 Bundesministerium für Verkehr, Innovation und
 Technologie

**Bosnie-Herzégovine/
 Bosnien und Herzegowina/
 Bosnia and Herzegovina**

M./Hr./Mr. Nermin **Čabrić** Head of Section
 Railways Regulatory Board
 (Regulatorni Odbor Željeznica)

M./Hr./Mr. Mirko **Vulić** Senior Expert Associate
 Railways Regulatory Board
 (Regulatorni Odbor Željeznica)

France/Frankreich/France

M^{me}/Fr./Ms Cécilia **Le Gal** Direction des référentiels
 EPSF – Établissement public de sécurité ferroviaire
 Division Système, interopérabilité et interfaces

Grèce/Griechenland/Greece

M^{me}/Fr./Ms Eirini **Pavli** Expert
 Ministry for Infrastructure and Transport
 Department for Railway Interoperability and Safety,
 Railway Directorate

Italie/Italien/Italy

S'est excusée.
 Hat sich entschuldigt.
 Sent apologies

**Royaume-Uni /Vereinigtes Königreich/
United Kingdom**

M./Hr./Mr. Peter Coverdale Policy Advisor
Department for Transport

Serbie/Serbien/Serbia

M./Hr./Mr. Milan Popović Head of the department Railway Safety
Directorate for Railways
Direkcija za zeleznice

M./Hr./Mr. Miloš Stanojević Associate
Ministry of construction, transport and infrastructure
Department for Railways and Intermodal Transport

Suisse/Schweiz/Switzerland

M./Hr./Mr. Christophe Le Borgne Chef de projet Interopérabilité et Sécurité
Département fédéral de l'Environnement, des Transports,
de l'Energie et de la Communication DETEC
Office fédéral des transports OFT

**II. Organisation régionale d'intégration économique
Regionale Organisation für wirtschaftliche Integration
Regional economic integration organisation**

Union européenne/Europäische Union/ European Union

**Commission européenne
Europäische Kommission
European Commission**

M^{me}/Fr./Ms Alice Polo Policy Officer
European Commission - Directorate General for Mobility
and Transport
Unit C4 – Rail Safety and Interoperability

**Agence de l'Union européenne pour les
chemins de fer / Eisenbahngentur der
Europäischen Union / European Union
Agency for Railways (ERA)**

M./Hr./Mr. Christoph Kaupat Project Officer
European Union Agency for Railways
Networks, International and IMS Unit

III. Organisations et associations internationales non gouvernementales Nichtstaatliche internationale Organisationen und Verbände International non-governmental Organisations or Associations

OSJD/OSShD

M./Hr./Mr. Radovan **Vopalecky** The Chair of the V Commission on Infrastructure and Rolling Stock
Organisation for Cooperation between Railways (OSJD)
Commission on Infrastructure and Rolling Stock

CER

M./Hr./Mr. Christian **Chavanel** Interoperability & Standardization Director
SNCF / Direction Systeme & Techno Ferroviaire / Dir Interop & Normalisation

NB-Rail

M./Hr./Mr. Francis **Parmentier** The Vice Chair
NB-Rail

UNIFE

M./Hr./Mr. Christian **Zumpe** Homologation Manager
Siemens AG

UIC

M./Hr./Mr. Jozef **Fázik** Chargé de mission, Relations Institutionnelles
Union internationale des chemins de fer (UIC)

IV. États non membres de l'OTIF Nichtmitgliedstaaten der OTIF Non Member States of OTIF

**V. Secrétariat
Sekretariat
Secretariat**

M./Hr./Mr.	Wolfgang Küpper	Secrétaire général Generalsekretär Secretary General
M./Hr./Mr.	Bas Leermakers	Chef du département de l'interopérabilité technique Leiter der Abteilung für technische Interoperabilität Head of Technical Interoperability Department
M ^{me} /Fr./Ms	Lunesterline Andriamahatahitry	Chef du département de l'administration et des finances Leiterin der Abteilung Verwaltung und Finanzen Head of Administration and Finance Department
M ^{me} /Fr./Ms	Maria Price	Experte Expertin Expert
M./Hr./Mr.	Dragan Nešić	Expert Experte Expert

**VI. Interprètes
Dolmetscher
Interpreters**

M ^{me} /Fr./Ms	Viviane Vaucher
M ^{me} /Fr./Ms	Dominique Baz
M./Hr./Mr.	Werner Küpper
M./Hr./Mr.	David Ashman
M ^{me} /Fr./Ms	Joana Meenken

Approved agenda

Annex II

1. Approval of the agenda

2. Presence and quorum

3. Election of Chair

4. For information:

4.1. Report from the CTE working group technology (WG TECH)

Document: [TECH-19007](#)

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

5. For adoption:

5.1. Proposal for a decision to modify the NVR specification

Document: [TECH-19001](#)

5.2. Proposal for a decision to modify Appendix 1 to the UTP TAF

Document: [TECH-18037](#)

6. For discussion:

6.1. Development of EU centralised vehicle register (EVR) and consequences for the OTIF national vehicle registers

Document: [TECH-18035](#)

6.2. Notifications of the national technical requirements according to Article 12 APTU

Document: [TECH-18023](#)

6.3. CTE work programme:

- Strategy concerning the alignment of the UTPs with the TSIs revised in 2019
- Development of the Annexes to Appendix H to COTIF

Document: [TECH-19005](#)

7. Any other business

7.1. Planning and organisation of work of the CTE

8. Next session

Meeting room document

Annex III

 Ref. Ares(2019)3732160 - 11/06/2019


EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MOBILITY AND TRANSPORT
Directorate C - Land
Director

Mr Wolfgang Küpper
Secretary-General
Intergovernmental Organisation for
International Carriage by Rail (OTIF)
Bern
Switzerland

By e-mail only:
secretary.general@otif.org

Subject: 12th session of the OTIF Committee of Technical Experts, taking place on 12/13 June 2019, Bern, Switzerland

Dear Mr. Küpper,

I am pleased to inform you that the European Union, represented by the Commission, Mrs Alice Polo, DG MOVE, will participate in the 12th session of the OTIF Committee of Technical Experts (CTE).

As regards the Agenda, pursuant to Article 6(4) of the EU-OTIF Agreement¹, I would also like to inform you that the Union intends to exercise its voting rights in regards to decisions to be taken. However, in relation to the decisions under agenda item 5, the Union will not be empowered to vote during the meeting in Bern on 12 and 13 of June. Indeed, for decisions to be taken by the CTE which have legal effects, a formal decision of the Council of the European Union is required in accordance with Article 218(9) of the Treaty on the Functioning of the European Union.

The Union will only be empowered to exercise its voting rights on the decisions to be taken under agenda item 5, once the relevant decision of the Council of the EU is adopted (on 16 September 2019 at the latest). We would therefore kindly request that the decision under agenda item 5 is postponed and put for adoption through written procedure after 16 September 2019.


Yours sincerely,

(e-signed)

Elisabeth Werner

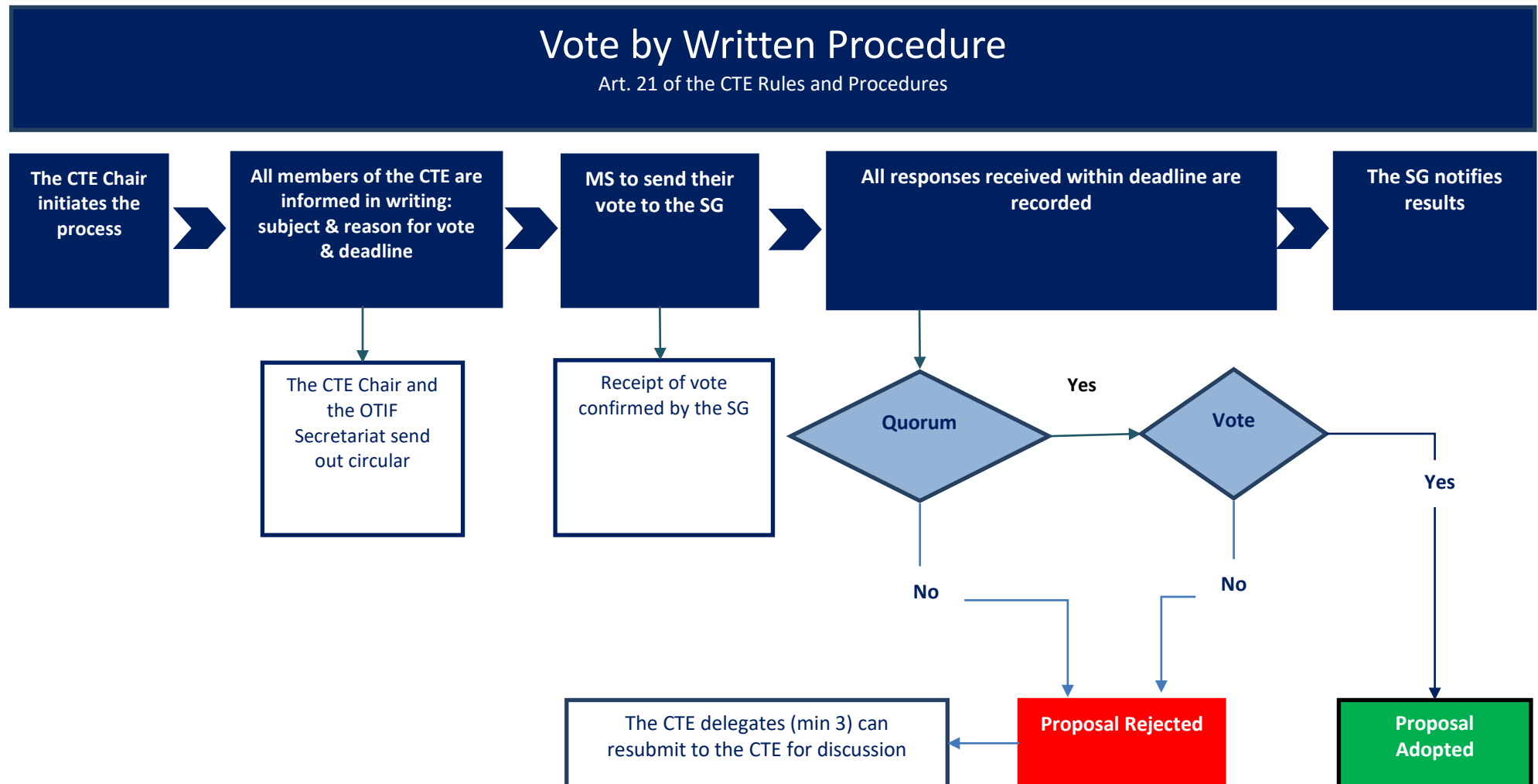
¹ Council Decision 2013/103/EU (OJ L 51, 23.2.2013, p. 1)

Commission européenne/Europese Commissie, 1049 Bruxelles/Brussel, BELGIQUE/BELGIË - Tel. +32 22991111
Office: DM28 04/102 - Tel. direct line +32-2-295.95.06 – E-mail: elisabeth.werner@ec.europa.eu

 Electronically signed on 11/06/2019 17:29 (UTC+02) in accordance with article 4.2 (Validity of electronic documents) of Commission Decision 2004/563

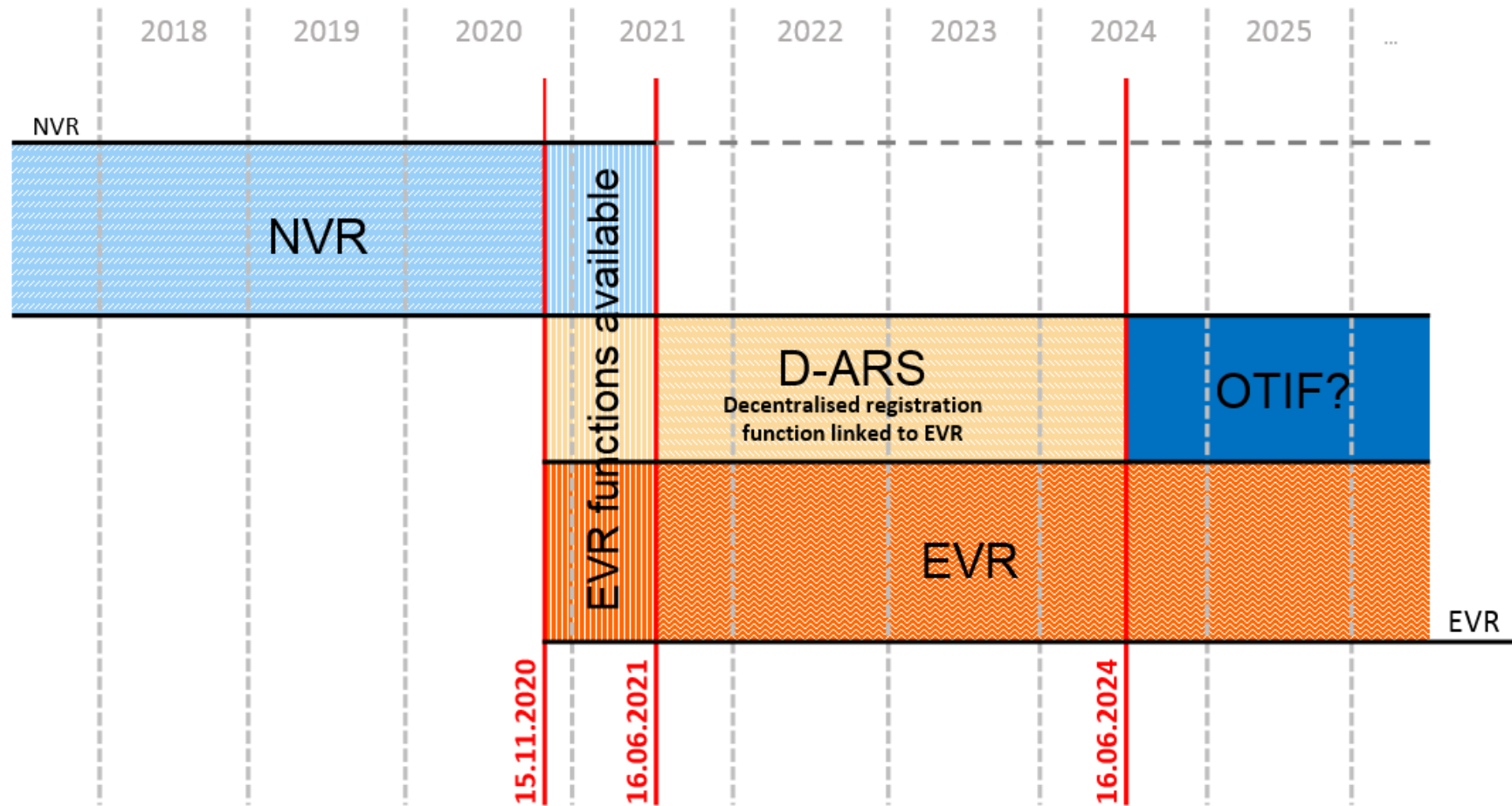
Vote by written procedure

Annex IV



Possible solution for the retrieval of data from EVR and NVRs of the non-EU OTIF CS

Annex V



The process of providing documents for the CTE

Annex VI

