



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

**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

TECH-18015-CTE11-6.5

11.4.2018

Original: EN

11TH SESSION

Work programme for the Committee of Technical Experts

2018 - 2019

1. COMPATIBILITY BETWEEN COTIF AND EU LAW

From their inception, all the technical provisions of COTIF have been based upon provisions developed in the European Union. This is partly explained by the fact that 26 of the 42 states that apply APTU and ATMF are also members of the EU. The EU Member States have been developing their EU safety and interoperability provisions to connect their railway systems, which are often technically and operationally diverse.

The OTIF Secretariat will continue its intensive coordination with Member States, the EU institutions, and sector organisations in order to ensure that the interests of both EU and non-EU OTIF Member States are taken into account. This includes preparing amendment proposals to ensure that APTU, ATMF and the UTPs continue to be aligned with the provisions of the EU fourth railway package's technical pillar.

Actions:

- The OTIF Secretariat will continue its cooperation with Member States, the EU Agency for Railways, the EU Commission's DG MOVE and sector organisations, such as UIC, CER, UNIFE and UIP, with a view to ensuring that the evolving EU railway law remains compatible with COTIF.
- The Committee of Technical Experts will continue its efforts to keep APTU - including its uniform technical prescriptions (UTPs) - and ATMF compatible with EU railway law.

In concrete terms the following proposals to modify the UTPs are expected:

- The UTP LOC&PAS to include:
 - Specifications concerning interchangeable passenger coaches;
 - Thresholds to identify whether modification of a vehicle should be considered as renewal or upgrade in the meaning of ATMF and if so, whether a new vehicle admission must be applied for;
 - Parameters of the vehicles and infrastructure (in the meaning of ATMF) to be checked by the railway undertaking and the procedures to be applied to check these parameters to ensure compatibility between vehicles and the routes on which they are to be operated.
- The UTP WAG to include:
 - Thresholds to identify whether modification of a vehicle should be considered as renewal or upgrade in the meaning of ATMF and if so, whether a new vehicle admission must be applied for;
 - Parameters of the vehicles and infrastructure (in the meaning of ATMF) to be checked by the railway undertaking and the procedures to be applied to check these parameters to ensure compatibility between vehicles and the routes on which they are to be operated.
- The UTP NOI to include provisions addressing pass-by noise from noisy, older freight wagons which have not (yet) been equipped with modern silent brake blocks, in particular by allowing states to ban the use of such wagons on routes where they would cause most nuisance.

2. REGIONAL ORGANISATIONS

The EU acceded to COTIF in 2011. The accession agreement established the general legal relations, which are complemented by more specific legal relations in Article 3a of the ATMF UR. The particularly close association between COTIF law and EU law is also illustrated by the 2-column layout of the Uniform Technical Prescriptions, where EU law is reproduced in the right-hand column.

Article 38 of COTIF also allows other regional organisations to accede to COTIF. In principle, it should be possible for other regional organisations to have legal relations with OTIF similar to those that the EU enjoys at present. An analysis should be carried out to inventory the relevant elements in APTU, including its UTPs, and in ATMF, including its Annexes, for this purpose.

There would be two main objectives. Firstly, to ensure that other organisations can enjoy opportunities similar to those the EU enjoys today without limiting the established compatibility between EU law and COTIF. Secondly, the analysis should focus on simplifying the provisions by making sure that only elements of EU law relevant in the scope of COTIF are taken over and not elements which are strictly related to subjects outside scope of COTIF, such as, for example, market opening.

Action:

- The Committee of Technical Experts, assisted by the newly established working group of legal experts, should analyse the feasibility of the interactions between ATMF/APTU and EU law and, where relevant, make recommendations for modifications.

3. NEW APPENDIX H

In September 2015, at the 12th session of the General Assembly, the idea of establishing a legal basis in COTIF to support interoperability beyond the EU was launched. A new Appendix H to COTIF was drafted for this purpose by the Secretariat, in coordination with the Committee of Technical Experts and its standing working group. The draft new appendix was first reviewed and endorsed at the 10th session of the Committee of Technical Experts on 13 and 14 June 2017 and subsequently considered and endorsed by the 26th Revision Committee on 27 and 28 February 2018. The Revision Committee requested the Secretary General to submit the proposals as amended by the Revision Committee to the 13th General Assembly on 25 and 26 September 2018, for decision.

Harmonised implementation of the new appendix by Member States will rely on the annexes to the new appendix. If the General Assembly adopts the new appendix, it will be essential to develop its annexes quickly. The Committee of Technical Experts discussed whether binding deadlines for finalising these annexes could be fixed. The discussion revealed that deadlines could not be binding, as no responsibility can be attached to meeting such deadlines and nothing would happen if the deadlines were not met. The Committee of Technical Experts instead suggested that the General Assembly should use its ability to make recommendations to request the Committee of Technical Experts to develop these annexes before a certain deadline. This recommendation would give a strong signal and could be used to encourage speedy development of the annexes.

Action:

- Should the General Assembly adopt the new Appendix H to COTIF, the Committee of Technical Experts, at the request of the General Assembly, could already start preparing the annexes to the new Appendix H. The proposals could then be adopted by the Committee of Technical Experts without delay once the new appendix enters into force.

4. DEVELOPMENT OF INFRASTRUCTURE PROVISIONS

If railway transport is to become truly international in its operations by allowing complete trains to cross borders without reconfiguring them at border crossing stations, a more harmonised approach to managing the interfaces between trains and infrastructure would be required. The purpose of possible infrastructure requirements should be to ensure compatibility with vehicles and trains and compatibility between neighbouring lines and networks.

Action:

- The standing working group WG TECH should develop proposals to deal with infrastructure requirements under COTIF in accordance with the mandate provided by the Committee of Technical Experts.

5. ROUTE COMPATIBILITY CHECKS

At its 26th session, the Revision Committee adopted modifications to APTU Article 8 which require future UTPs to include vehicle parameters and fixed subsystems to be checked by the railway undertaking and the procedures to be applied to check these parameters to ensure compatibility between vehicles and the routes on which they are to be operated. In addition, the European Union is developing electronic tools to support railway undertakings in their responsibility for checking route compatibility, such as the register for infrastructure (RINF). These developments should be followed by the Committee of Technical Experts and, where relevant, considered for taking over in COTIF.

Actions:

- The standing working group WG TECH should follow closely the development of solutions in the European Union for checking route compatibility and, where relevant, make proposals for implementing compatible provisions in COTIF in accordance with the mandate provided by the Committee of Technical Experts.

6. INTERDISCIPLINARY COORDINATION

Equally important as maintaining equivalence between EU and OTIF provisions on technical and safety matters is ensuring that there is no inconsistency between these provisions and other branches of international (COTIF) law. In recent years, the consistency between RID and general railway provisions has been analysed in particular.

At its 10th session the Committee of Technical Experts endorsed setting up a Joint Coordinating Group of Experts (JCGE) to this end, in which experts in the transport of dangerous goods, experts in railway technology and representatives of the relevant branches of industry should be represented.

The JCGE meetings will be arranged alternately by the European Commission and OTIF. The recommendations prepared by the JCGE will be submitted to the RID Committee of Experts and the Railway Interoperability and Safety Committee (RISC), which will decide on how to follow up the recommendations. For example, the RID Committee of Experts may decide to include protective aims in RID. The RISC Committee may for example adopt a delegated act mandating ERA to develop a TSI in conformity with the technical specifications/provisions described by the JCGE.

Action:

- Questions related to APTU and ATMF on the one hand and to RID on the other should be referred to the JCGE. Members of the Committee of Technical Experts will be invited and encouraged to participate in the work of the JCGE.

7. PROVISIONAL TIMETABLE

After the 11th session of the Committee of Technical Experts, two more sessions of WG TECH are planned in 2018, the first on 11 and 12 September in Bern hosted by Switzerland, and the second on 27 and 28 November. One more WG TECH meeting is planned for 2019, before the 12th session of the Committee of Technical Experts.

The General Assembly will convene for its 13th session on 25 and 26 September 2018.

8. PROPOSAL FOR DECISION

The Committee of Technical Experts takes note of the document and requests its standing working group to focus its activities accordingly.
