13TH SESSION

Report from the Committee of Technical Experts’ standing working group Technology (WG TECH)

Sessions 38 and 39
1. TASKS FOR THE WG TECH FOLLOWING THE 12TH SESSION OF THE COMMITTEE OF TECHNICAL EXPERTS (JUNE 2019)

The 12th session of the Committee of Technical Experts (CTE), which was held on 12 and 13 June 2019, discussed and approved the document entitled “Work programme for the CTE 2019/2020”. In accordance with the results of the discussion, the standing Working Group Technology (WG TECH) focused its activities as described in this document.

2. WG TECH’S MEETINGS

Since the previous session of the CTE, its standing working group WG TECH has held two meetings:

- 38th meeting on 11 and 12 September 2019 in Bern
- 39th meeting on 19 and 20 November 2019 in Brussels

Delegations from the following seven Member States took part in the meetings: Bosnia and Herzegovina, Germany, Italy, North Macedonia, Serbia, Switzerland and the United Kingdom.

The European Commission, ERA, OSJD, and the international non-governmental organisations CER, NB-Rail, UIC and UIP were also represented.

3. RULES OF PROCEDURE FOR THE CTE

In line with the mandate from CTE 12, the OTIF Secretariat prepared draft modifications to the Rules of Procedure adopted in 2009, mainly concerning planning and the timeline for preparing and submitting documents. The modified rules would require that working documents with legislative proposals be available 16 weeks before the meeting to allow sufficient time for the required internal process in the EU. Non-legislative documents would have to be available 8 weeks before the meeting. Furthermore, the modifications would harmonise the substance of the rules with the Rules of Procedure of other OTIF bodies, i.e. General Assembly, Revision Committee and RID Committee of Experts.

When preparing CTE 13, WG TECH and the Secretariat already worked in accordance with the new timeline. If adopted at CTE 13, the Rules of Procedure will come into effect immediately after the Chair has signed them.

4. DOCUMENTS PREPARED FOR ADOPTION BY THE CTE

Proposals for modifications to several UTPs and other rules in the scope of APTU and ATMF have been drafted by the Secretariat and reviewed by WG TECH. The reasons for modifying the existing rules are two-fold. Firstly, the entry into force of the revised APTU and ATMF on 1 March 2019 requires some alignment of the more detailed provisions, such as UTPs. Secondly, modifications are needed to ensure continued equivalence between OTIF’s rules and the European Union’s rules, which have been amended in light of the fourth railway package.

At its 12th session, the CTE decided on the following prioritisation:

- First priority (2019-2020): the revision of existing UTPs related to freight wagons, which includes UTP WAG, UTP NOI and UTP Marking. It also includes revision of ATMF Annex A (ECM Regulation) and NVR Specification, and
- Second priority (2020-2021): the revision of UTPs related to vehicles other than freight wagons, i.e. UTP LOC&PAS and UTP PRM. It will also include a new provision related to infrastructure (UTP INF).
4.1 UTP NOI

(Discussed at the 38th and 39th meetings)

The OTIF Secretariat prepared a draft revised UTP NOI. The changes mainly deal with the limitation of the use of older wagons which are noisy because they have cast iron brake blocks acting on the wheel tread. Such wagons do not comply with UTP NOI and cause noise problems on particular routes. In order to limit noise nuisance by curbing the use of noisy wagons, the concept of “quieter routes” has been introduced. Quieter routes are lines on which noisy wagons would no longer be allowed to be used. The UTP leaves it up to states whether or not to designate quieter routes on their networks. WG TECH 39 agreed to submit the document to CTE 13 as a proposal for adoption.

4.2 UTP WAG

(Discussed at the 38th and 39th meetings)

The OTIF Secretariat prepared a draft revised UTP WAG. The draft includes new requirements concerning automatic variable gauge running gear, provisions concerning the handling and maintenance of safety critical components, a reference to route compatibility checks and updated references to standards and other legal texts. WG TECH supported using the text of ERA Technical Opinions in the main text of the UTP. WG TECH 39 agreed to submit the document to CTE 13 as a proposal for adoption.

4.3 UTP MARKING

(Discussed at the 38th and 39th meetings)

The OTIF Secretariat prepared a draft revised UTP Marking, where the main changes concern editorial corrections and further clarification of the process of assigning a unique vehicle number (EVN), further improvements to the requirements for the vehicle keeper marking (VKM) and updated references to ERA Technical Documents. WG TECH also suggested improving the definition and categorisation of rail/road machines. WG TECH 39 agreed to submit the document to CTE 13 as a proposal for adoption.

4.4 VEHICLE REGISTER SPECIFICATION

(Discussed at the 38th and 39th meetings)

Following the EU’s decision on establishing a centralised European Vehicle Register (EVR), from 16 June 2021 the standard NVR software and the central search engine (ECVVR) referred to in OTIF’s current NVR Specification will become obsolete. New vehicle register specifications will therefore have to be adopted under COTIF in order to allow the continued exchange of vehicle data.

In the summer of 2019 the OTIF Secretariat sent out a questionnaire to non-EU OTIF Contracting States with the aim of better understanding their requirements for the future of vehicle registers. The feedback received on the questionnaire was presented to WG TECH 38. In their feedback, Contracting States confirmed the benefits of using a centralised register, but also indicated that it should still remain possible to use national registers, as should the possibility of connecting them.

The European Commission presented its own analysis, which included a comparison between the two alternatives: interconnected national registers and a centralised register (EVR). In the European Commission’s view, a central register would provide better availability and reliability, improve the registration process and avoid the use of interfaces. It was therefore of the view that the preferred option was to mandate the use of the central register for non-EU OTIF Contracting States as well.

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1 Modifications were based on Commission Regulation (EU) No 1304/2014 as last amended by Commission Implementing Regulation (EU) 2019/774 of 16 May 2019
2 Modifications were based on Commission Regulation (EU) No 321/2013 as last amended by Commission Implementing Regulation (EU) 2019/776 of 16 May 2019
3 Modifications were based on two documents, Commission Implementing Regulation (EU) No 2019/773 of 16 May 2019 (Appendix H of OPE TSI) and Decision 2007/756/EC as last amended by Commission Implementing Decision (EU) 2018/1614 of 25 October 2018
The Secretariat prepared a first draft of the new vehicle register specifications for review by WG TECH 38. There was no consensus on the proposed text. The European Commission was of the view that the non-EU OTIF CS should use the central register. However, the OTIF Secretariat saw legal problems in making use of the central register mandatory for the non-EU Contracting States.

The OTIF Secretariat drafted a new (second) version of the specifications and submitted it to WG TECH 39. The new version only made the parameters and structure of the vehicle register mandatory. It identified ERA as the registrar of the central vehicle register and each state would have the option of using the central register or establishing its own register, making its vehicle data available to the relevant parties. It was recommended that connections between such registers be established on a bilateral basis.

At WG TECH 39, there was no consensus on the second version. In particular, the European Commission was of the view that no obligations should be imposed on ERA as registrar of the central register. The OTIF Secretariat was requested to prepare a new (third) version. As there would not be another WG TECH meeting before CTE 13, it was agreed that delegates who were interested would review the draft and provide the OTIF Secretariat with timely feedback. The Secretariat and the interested delegates proceeded accordingly. The resulting document has been submitted to the CTE with a proposal for adoption.

WG TECH 39 was of the view that development of a common search engine should be discussed as a next step and that this next step should be indicated in the working documents for the CTE.

### 4.5 ECM REGULATION

(Discussed at the 38th and 39th meetings)

The OTIF Secretariat prepared the draft revised Annex A to ATMF\(^4\). The main change of substance compared to the provisions in force is that the existing rules apply to the certification of freight wagon ECMs and the proposed new rules would apply to the certification of ECMs of all types of vehicles. Furthermore, the possibility of certifying outsourced maintenance functions and requirements concerning the management of safety critical components has been introduced. WG TECH 38 identified a need for further clarification of some of the provisions in the document. Instead of changing the text compared to the EU’s text, it was suggested that footnotes be used to add the required clarification.

WG TECH 39 agreed to submit the document to CTE 13 as a proposal for adoption.

### 5. DISCUSSIONS

In addition to the preparation of proposals for modification of legal provisions, WG TECH also discussed matters which did not lead to proposals.

#### 5.1 MUTUAL RECOGNITION OF ECM CERTIFICATES

(Discussed at the 38th and 39th meetings)

Following discussion initiated in CTE 12, the United Kingdom prepared a working document aimed at clarifying the scope of OTIF/EU mutual recognition of ECM certification in accordance with ATMF and in accordance with EU law.

WG TECH 38 reviewed the first version of the working document and asked the United Kingdom, in coordination with the OTIF Secretariat, to develop the text in a form that could be submitted to CTE 13.

WG TECH 39 reviewed the updated working document. Compared to the previous version, this version raised some concerns, especially with regard to intra-EU international traffic. Recognising that further

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interpretation of this legal matter went beyond the scope and competences of WG TECH, the Working Group of Legal Experts would be requested to examine the subject further and present its views.

The United Kingdom considered reverting to the first version of the working document and suggested submitting that version to the CTE, as it had not raised any concerns.

5.2 FUTURE PROVISIONS CONCERNING ROUTE COMPATIBILITY CHECKS

Discussion at WG TECH 38 concerning the draft revised UTP WAG revealed that a list of relevant parameters for route compatibility checks would need to be available to implement the UTP WAG effectively. The OTIF Secretariat announced that it would prepare a draft UTP for route compatibility and train composition checks for WG TECH 40. The provisions would be based on the EU rules concerning RINF and the OPE TSI.

5.3 CROSS-REFERENCE TABLE OF “EU” AND “OTIF” TERMINOLOGY

In order to assist those who work with COTIF and EU law in the field of vehicle admission and maintenance processes, WG TECH created and regularly updates a cross-reference table of OTIF and EU terminology. The table provides an overview of corresponding terms used in APTU, ATMF and EU legislation. The document is reviewed at each meeting.

5.4 EU - OTIF EQUIVALENCE TABLE

An EU-OTIF equivalence table is a tool that provides an overview of the equivalence and differences between COTIF and EU regulations. The table aims to keep track of developments within COTIF and EU legislation so as to anticipate such developments at an early stage. The table is a working document of WG TECH and is usually updated prior to WG TECH meeting in coordination between ERA and the OTIF Secretariat. The document is reviewed at each meeting.

6. PRESENTATIONS GIVEN BY MEMBER STATES AND ORGANISATIONS AT WG TECH MEETINGS

6.1 GENERAL OVERVIEW OF DEVELOPMENTS IN EU REGULATIONS WHICH MAY AFFECT EQUIVALENCE WITH COTIF

(Discussed at the 38th and 39th meetings)

The European Commission presented the principles, objectives and procedure of future TSI revisions. One important feature is that where, in the past, each TSI revision was dealt with by a separate working group, in future a working group will deal with topics which may cover several TSIs. WG TECH noted the information and suggested, at the 39th meeting, that an additional step in the process be included to check systematically the compatibility of the proposals for modification of TSIs with UTPs.

6.2 ECM CERTIFICATION PROCESS; FEEDBACK FROM SWITZERLAND

(Discussed at the 39th meeting)

Switzerland presented its experience concerning the ECM certification process. In particular, accident investigations had revealed poor maintenance, which was executed under the responsibility of ECMs which were certified by a commercial ECM certification body. Switzerland wondered whether the concept of ECM certification for profit was compatible with the avoidance of the conflict of interest, and if not, whether ECM certification should be defined as a task of government authorities, rather than...
commercially operating certification bodies. Delegates exchanged views and discussed the subject without drawing conclusions.