



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

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

**TECH-21002-CTE13-8.1**

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Monitoring and assessment of the implementation of the APTU UR and ATMF UR

Proposal by the Secretariat

## 1. BACKGROUND

This document sets out a proposal by the OTIF Secretariat for the provisional application by the Committee of Technical Experts of the “[Draft Decision on the Monitoring and Assessment of Legal Instruments](#)” (further referred to as ‘draft decision’) described in circular letter SG-20008<sup>1</sup> of 18 June 2020, which was addressed to the organs of OTIF.

For additional information, see the draft decision and accompanying [explanatory notes and the note by the OTIF Secretariat](#).

This document proposes that the Committee of Technical Experts starts monitoring and assessing the application of the ATPU Uniform Rules (Appendix F to COTIF and further referred to as ‘APTU’) and ATMF Uniform Rules (Appendix G to COTIF and further referred to as ‘ATMF’) by APTU/ATMF Contracting States (further referred to as ‘Contracting States’).

It proposes that, as a first step, Contracting States and regional organisations that have acceded to COTIF provide information to the OTIF Secretariat, which would share it with the Committee and its working group(s). As a second step, which is not part of this proposal, railway stakeholders such as keepers, railway undertakings and manufacturers could be consulted.

## 2. PURPOSE OF MONITORING AND ASSESSMENT

It is worth recalling that, in accordance with the draft decision “*Monitoring*” means a continuous and systematic process of data collection’ (Article 1, letter i) of the draft decision) and “*Assessment*” means an evaluation of the actual effects of a legal instrument or certain provisions thereof’ (Article 1, letter j) of the draft decision).

The preamble of the draft decision emphasises, among other matters, that:

- [...] *monitoring implementation and application of the Organisation’s legal instruments provides evidence concerning their usage* [...];
- [...] *based on the monitoring outcomes, assessment of the Organisation’s legal instruments is necessary to determine their relevance and any need to revise them* [...];
- [...] *successful implementation of the monitoring and assessment of legal instruments depends on the active involvement and participation of the Member States, regional organisations and relevant stakeholders* [...].

On the basis of APTU, ATMF and their Annexes and Uniform Technical Prescriptions (UTPs), all Contracting States should mutually recognise and accept evidence of verifications and technical certificates issued in accordance with the Uniform Rules, irrespective of the Contracting State in which they were issued. Contracting States therefore have to be confident that all other Contracting States, including the stakeholders that have their place of activity on their territory, implement and apply all the provisions fully and correctly. Monitoring and assessment may help underpin such trust.

## 3. LEGAL BASIS

Article 2 of COTIF lays down the aim of the Organisation. It says, inter alia, that the aim of the Organisation shall be to “promote, improve and facilitate, in all respects, international traffic by rail, in particular by [...] *keeping a watch on the application of all the rules and recommendations established within the Organisation* [...]”.

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<sup>1</sup> This circular letter was also published as a working document for the Committee of Technical Experts’ 13<sup>th</sup> session of 22 and 23 June 2021.

Furthermore, in accordance with Article 20 § 1 letter c) of COTIF, the Committee of Technical Experts “shall [...] *keep a watch on the application of technical standards and uniform technical prescriptions relating to railway material intended to be used in international traffic and examine their development with a view to their validation or adoption in accordance with the procedures provided for in Articles 5 and 6 of the APTU Uniform Rules [...]*”.

#### **4. IMPLEMENTATION OF APTU AND ATMF**

APTU and ATMF together provide the legal basis for the harmonisation between Contracting States of the procedures for the admission of railway vehicles for use in international traffic and the (technical) requirements applicable to vehicles and other railway material, such as infrastructure, and the procedures and responsibilities to assess and certify compliance with these requirements.

Contracting States apply APTU and ATMF for the purpose of:

1. The admission, by their Competent Authority, of vehicles intended for use in international traffic between their territory and the territory of other Contracting States.
2. The acceptance of vehicles, which have been admitted to international traffic by the Competent Authority of other Contracting States, for use in international traffic on their territory.

Contracting States which have not implemented all that is necessary for the first purpose, and which admit vehicles themselves, could still benefit from the second purpose, accepting vehicles admitted by other Contracting States. Full implementation is not therefore required in order to take advantage of some of the benefits provided by APTU and AMTF. For example, some (small) Contracting States might not have any rolling stock registered on their territory, but might still have foreign vehicles running on their lines. However, all Contracting States are bound to comply with certain obligations set out in APTU, ATMF or their Annexes and UTPs, e.g. to notify the Secretary General of their Competent Authority<sup>2</sup> and to enshrine the necessary provisions in their national legal system to ensure that APTU and ATMF function on their territory.

Transposing OTIF’s rules into national law establishes the legal framework for national authorities and stakeholders. In addition to this, some provisions require Contracting States to take specific actions, some results of which need to be notified to the Secretary General, such as, for example, the notification of Competent Authorities and other bodies. Some other provisions have to be complied with by stakeholders, such as railway undertakings, keepers and assessing entities.

In accordance with Article 11 APTU, the Uniform Technical Prescriptions (UTPs) take precedence in relations between Contracting States over the provisions of the 1938 version of the International Convention on the Technical Unity of Railways, signed at Berne on 21 October 1882. Furthermore, the UTPs take precedence in the Contracting States over the technical provisions of the *Regulation governing the reciprocal use of carriages and brake vans in international traffic* (RIC) and of the *Regulation governing the reciprocal use of wagons in international traffic* (RIV).

#### **5. SCOPE OF MONITORING AND ASSESSMENT**

Initially, it is proposed to monitor/assess:

1. Whether and how Contracting States have implemented and apply the provisions incumbent on them as set out in APTU, ATMF and their Annexes and UTPs;
2. The scope of application of the provisions, such as the number of vehicles and volume of traffic which rely on APTU and ATMF, as a quantitative measure of relevance;

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<sup>2</sup> The competent authority of a Contracting State does not have to be exclusive to that state or be located in that state, i.e. one authority may be competent for more than one state.

3. The relevance of the rules as perceived by Contracting State officials as a qualitative measure of relevance.

With regard to the first point - implementation and application by Contracting States - it is proposed to focus on provisions laid down in APTU and ATMF for which the Contracting State is primarily responsible. It is useful to focus on these high-level provisions, because their implementation is essential in terms of the provisions that apply to stakeholders, and which form the basis for their implementation. Furthermore, the Contracting States' obligations are not onerous compared to the obligations for stakeholders and are arguably less complex to monitor and assess.

On the basis of APTU and ATMF, UTPs and Annexes are adopted by the Committee of Technical Experts. These UTPs and Annexes cover, for example, technical construction requirements, procedures for the verification of compliance with the requirements and specifications for vehicle registers. Most of the UTPs and Annexes are applicable to stakeholders and are therefore of relevance to them.

With regard to the second point, as a quantitative measure of relevance, it is proposed to achieve an overview of the number of vehicles registered or used in international traffic on the basis of APTU and ATMF. It would be useful if the data could be divided into different categories, such as vehicles registered in the Contracting State itself and foreign vehicles operating on the network of the Contracting State. With regard to vehicles registered in a Contracting State, it would be relevant to ask whether the vehicles were admitted on the basis of UTPs or whether vehicles are in service on the basis of RIV or RIC. Different types of vehicles (freight wagons, passenger coaches, locomotives, trainsets, other) could also be identified.

Furthermore, under the second point, it is proposed to try to obtain a view on the use of vehicles registered in Contracting States which are also Member States of the European Union operating in Contracting States which are not Member States of the European Union and vice versa. Article 3a of ATMF lays down the interactions between ATMF and European Union law. If the conditions in Article 3a of ATMF are met, vehicles authorised according to European Union law are deemed admitted to operation in accordance with ATMF and vice versa.

With regard to the third point - the perceived relevance of the rules - it is proposed to ask open questions to identify the scope for improving the rules or to improve their implementation or application.

As a second step, monitoring and assessment of the implementation of Annexes and UTPs by stakeholders in the operational and technical domain, such as railway undertakings, entities in charge of maintenance, keepers and assessment bodies etc. is proposed. This second step is not part of the proposals described in this paper and could be the subject of future monitoring and assessment.

## **6. METHODOLOGY**

It is proposed that the Secretariat should initiate monitoring by sending the Contracting States a questionnaire on behalf of the Committee of Technical Experts, with a request to fill it out and return it. The Contracting States should be given sufficient time to respond. It is proposed to allow three months' response time.

The proposed questionnaire is annexed to this document.

The responses should be sent to the Secretariat, which should analyse them with a view to assessing the degree of implementation of APTU and ATMF, presenting and discussing its findings at WG TECH and reporting to the Committee of Technical Experts.

As a next step, the stakeholders should be involved in the monitoring and the monitoring should be broadened to include more detailed rules laid down in the Annexes and UTPs. This step is not part of this document.

## PROPOSAL FOR DECISION

The Committee of Technical Experts:

1. Approves document TECH-21002-CTE13-8.1 [as modified at the session] and initiates the proposed step by step monitoring and assessment of the implementation of the APTU and ATMF Uniform Rules accordingly.
2. Notes the importance of monitoring and assessment and therefore requests Contracting States to provide their full cooperation.
3. Requests the Secretariat, in coordination with the Chair of the Committee and on behalf of the Committee, to send the questionnaire annexed to document TECH-21002-CTE13-8.1 [as modified at the session] to the APTU and ATMF Contracting States and to regional organisations which have acceded to COTIF.
4. Decides that the Contracting States should be given at least three months to respond to the questionnaire and that responses should be send to the Secretariat.
5. Requests the Secretariat to analyse the responses, with a view to assessing the degree of implementation of APTU and ATMF, presenting and discussing its findings at WG TECH and reporting to the next session of the Committee.
6. Intends, as a next step, to involve stakeholders in the monitoring and requests the Secretariat, in coordination with WG TECH, to propose suitable methods for this purpose for the next session.

## ANNEX TO TECH-21002-CTE13-8.1

### Questionnaire concerning monitoring of implementation of the APTU and ATMF Uniform Rules by Contracting States

Please write answers in the blue shaded rectangles alongside each question and send responses to:

[secretary.general@otif.org](mailto:secretary.general@otif.org)

Questionnaire filled out by:

Name:	
Position/function:	
Organisation:	
State:	

### PART 1

#### IMPLEMENTATION AND APPLICATION OF PROVISIONS OF APTU UR AND ATMF UR BY CONTRACTING STATES

The following provisions of the APTU Uniform Rules (APTU) and ATMF Uniform Rules (ATMF) lay down obligations that are directly incumbent upon Contracting States, public bodies or state authorities and require direct and unilateral action to implement.

#### Question 1

##### National technical requirements

**Objective:** assess whether for each Contracting State the Secretary General is informed of the national technical requirements applicable to railway vehicles. If there are no national technical requirements, please confirm that this is the case.

In accordance with Article 12 APTU, Contracting States have to ensure that the Secretary General is informed of their national technical requirements which apply to railway vehicles. Every time a Uniform Technical Prescription (UTP) has been adopted or amended, the Contracting State has to check whether the national technical requirements are still needed in order to ensure technical compatibility between the vehicles and its network.

All national technical requirements that have been notified to the Secretary General and meet the requirements of APTU are published on OTIF's website.

**Is the information published on [http://otif.org/en/?page\\_id=196](http://otif.org/en/?page_id=196) complete and up-to-date?**

Response:

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To update or renew the information published on OTIF's website, the Secretary General should be notified. Notification can be made in accordance with part C, point 6 of the [Guidelines on treaty acts under COTIF](#):

[http://otif.org/fileadmin/new/3-Reference-Text/3A-COTIF99/Guidelines\\_on\\_treaty\\_acts\\_under\\_COTIF\\_RGB.pdf](http://otif.org/fileadmin/new/3-Reference-Text/3A-COTIF99/Guidelines_on_treaty_acts_under_COTIF_RGB.pdf)

## Question 2

### Competent authority and other entities

**Objective:** assess whether for each Contracting State a competent authority and, where relevant, other entities have been notified and whether they comply with the independence criteria.

In accordance with Article 5 ATMF, each Contracting State has to notify the Secretary General of their competent authority, the assessing entities and, if applicable, the accreditation body or the competent national body. Assessing entities must be independent from any rail transport undertaking, infrastructure manager, keeper, entity in charge of maintenance (ECM) in accordance with Article 15 ATMF and designer or manufacturer of railway material participating directly or indirectly in the manufacture of railway material.

All competent authorities and other bodies that have been notified to the Secretary are published on OTIF's website.

**Is the information published on [http://otif.org/en/?page\\_id=200](http://otif.org/en/?page_id=200) complete and up-to-date?**

Response:

To update or renew the information published on OTIF's website, the Secretary General should be notified. Notification can be made in accordance with part C point 6 of the [Guidelines on treaty acts under COTIF](#):

[http://otif.org/fileadmin/new/3-Reference-Text/3A-COTIF99/Guidelines\\_on\\_treaty\\_acts\\_under\\_COTIF\\_RGB.pdf](http://otif.org/fileadmin/new/3-Reference-Text/3A-COTIF99/Guidelines_on_treaty_acts_under_COTIF_RGB.pdf)

## Question 3

### Vehicle registers

**Objective:** assess whether the data on vehicles admitted to international traffic of each Contracting State are accessible through a vehicle register.

In accordance with Article 13 ATMF, Contracting States have to ensure the availability of a vehicle register in which vehicle data can be stored and retrieved in accordance with the OTIF specifications.

Vehicle registers are intended to enable the following:

- to check whether a vehicle is duly registered and the status of the registration;
- to retrieve information on the admission to operation, including the authorising entity, the area of use, the conditions for use and other restrictions;
- to identify the type of construction according to which the vehicle is built;
- to identify the keeper, the owner and the entity in charge of maintenance.

Furthermore, in accordance with Article 6 of the OTIF specifications for vehicle registers ([http://otif.org/fileadmin/new/3-Reference-Text/3D-Technical-Interoperability/3D1-Prescriptions-and-other-rules/Vehicle-registers-2021\\_e%20In-force.pdf](http://otif.org/fileadmin/new/3-Reference-Text/3D-Technical-Interoperability/3D1-Prescriptions-and-other-rules/Vehicle-registers-2021_e%20In-force.pdf)), each Contracting State has to designate a Registration Entity and notify the Secretary General without delay of the location of the vehicle register and how to request access rights to it.

**Has a vehicle register fulfilling the requirements been established or is such a register being established?**

Response:

**Does a Registration Entity exist? If so, please provide contact details.**

Response:

**How can access to the register be requested?**

Response:

#### Question 4

##### Accidents, incidents and severe damage reporting

**Objective:** assess whether the requirements of Article 16 ATMF are relevant and whether it is necessary to revise them.

In accordance with Article 16 § 4 ATMF, Contracting States should inform the Organisation of the causes of accidents, incidents and severe damage in international traffic that have occurred on their territory. On the basis of the information, the Committee of Technical Experts may take action, including instructing Contracting States to suspend the Certificate of Operation of a vehicle or vehicle type.

In practice, Contracting States are not sharing their reports and findings related to accidents, incidents and severe damage in accordance with Article 16 § 4 ATMF.

**Please indicate if the requirement of Article 16 § 4 ATMF is relevant and, if so, how Contracting States could be encouraged to share the required information, for example by actively requesting it?**

Response:

## PART 2

### QUANTITATIVE MEASURE OF RELEVANCE OF APTU UR AND ATMF UR

**Objective:** assess the extent of application of APTU, ATMF, their Annexes and UTPs.

**Please answer the questions below by typing in the blue rectangles. If no exact numbers are available, please provide an estimate and indicate between brackets that it is an estimate.**



**Question 5**  
**Freight wagons**

a) Number of freight wagons registered in your state which are used in international traffic:
Response:
b) Of these freight wagons, how many are suitable for free circulation (this concerns freight wagons for which the vehicle number in accordance with the UTP Marking starts with digit 0, 1, 2 or 3):
Response:
c) Of the freight wagons referred to under a), how many are not suitable for free circulation (this concerns freight wagons for which the vehicle number in accordance with the UTP Marking starts with digit 4 or 8):
Response:
d) Of the freight wagons referred to under a), the number that were admitted to international operation on the basis of APTU and ATMF (this should concern freight wagons admitted after December 2012, as from then a complete set of UTPs for freight wagons was available):
Response:

**Question 6**  
**Locomotives and passenger rolling stock**

a) The number of locomotives or passenger rolling stock registered in your state which are used in international traffic. Please specify the number of vehicles per category (e.g. thermal/electric locomotive, passenger coach, thermal/electrical trainset):	
	Responses:
Thermal (e.g. diesel) locomotive:	
Electric locomotive:	
Passenger coach:	
Thermal (e.g. diesel) trainset:	
Electric trainset:	
Other (please specify):	

b) Of these vehicles, the number of RIC passenger coaches that are suitable for free circulation (these are coaches admitted before 1.1.2011 in accordance with the provisions of Article 19 § 2 of ATMF):
Response:
c) Of the vehicles referred to under a), the number that were admitted to international operation on the basis of APTU and ATMF (this should only concern vehicles admitted after January 2015, as from then a complete set of UTPs for locomotives and passenger rolling stock was available):
Response:

**Question 7**

**Traffic between EU and non-EU ATMF Contracting States**

Article 3a ATMF lays down the interactions between ATMF and other international agreements, and more specifically the interaction with European Union law. If the conditions in Article 3a ATMF are fulfilled, vehicles authorised according to European Union law are deemed admitted to operation in accordance with ATMF and vice versa.

**For ATMF Contracting States which are also Member States of the European Union, please indicate the number of vehicles registered in your state that are (also) used in international traffic beyond the European Union.**

Response:
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**For ATMF Contracting States which are not Member States of the European Union, please indicate the number of vehicles registered in your state that are (also) used in international traffic into the European Union.**

Response:
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**For all ATMF Contracting States, please specify the number of vehicles per category that are used between EU and non-EU ATMF Contracting States.**

	Responses:
Thermal (e.g. diesel) locomotive:	
Electric locomotive:	
Passenger coaches:	
Thermal (e.g. diesel) trainset:	
Electric trainset:	

Other (please specify):	
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**PART 3**  
**PERCEIVED RELEVANCE OF APTU UR AND ATMF UR**

**Question 8**

**Relevance of APTU and ATMF for international traffic**

**Please indicate the perceived relevance of APTU, ATMF and their Annexes and UTPs together. If possible, please also provide comments to explain your response.**

Please use a scale from 1 (totally irrelevant) to 10 (extremely important).

a) for international freight traffic
Score (1-10):
Explanation:
b) for international passenger traffic
Score (1-10):
Explanation:

**Question 9**

**Relevance of the Annexes and UTPs for international traffic**

**Please indicate the perceived relevance of the following. If possible, please also provide comments to explain your response.**

Please use a scale from 1 (totally irrelevant) to 10 (extremely important).

a) Uniform technical prescriptions (UTPs)
Score (1-10):
Explanation:
b) Procedures for the admission of vehicles
Score (1-10):
Explanation:
c) Specifications for vehicle registers
Score (1-10):
Explanation:
d) Transparency of national technical requirements for vehicles

Score (1-10):

Explanation:

e) Mutual recognition of entity in charge of maintenance (ECM) certificates (Annex A to ATMF)

Score (1-10):

Explanation:

f) Equivalence between EU rules, such as TSIs and COTIF rules, such as UTPs

Score (1-10):

Explanation:

### Question 10

#### Future development of APTU, ATMF and their Annexes and UTPs

**What should be the main focus of future developments of APTU, ATMF and their Annexes and UTPs to make them more relevant?**

Response:

### Question 11

#### Role of the OTIF Secretariat

**How could the OTIF Secretariat support the Contracting States better in the application of COTIF and involve them more in further development of COTIF?**

Response:

### Question 12

#### Any other remarks

**Are there any other remarks which may be relevant with regard to the next steps for monitoring and assessment of the implementation of APTU, ATMF and their Annexes and UTPs?**

Response:

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