



Organisation intergouvernementale pour les transports internationaux ferroviaires
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**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

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14TH SESSION

Progress report on development of the Annexes to the EST UR (Appendix H to COTIF)

1. INTRODUCTION

At its 13th session (remote meeting, 22-23 June 2021), the Committee of Technical Experts considered the development of Annexes to the Uniform Rules concerning the Safe Operation of Trains in International Traffic (Appendix H to COTIF and further referred to as the EST UR). By adopting the work programme ([TECH-21008](#)), it requested that a progress report on the development of the Common Safety Method on Safety Management System requirements and the Common Safety Method on monitoring be presented at its 14th session.

2. BACKGROUND

In September 2018, the 13th session of the General Assembly adopted¹ the EST Uniform Rules. Entry into force of the EST UR is pending approval by two-thirds of the OTIF Member States which, based on previous experience, may take several years. After this required approval is obtained, it will take approximately one year for the provisions to enter into force.

The EST UR set out uniform rules for the safe operation of trains in international traffic. They provide general principles and responsibilities for the cross-border operation of trains for states that already fully apply the APTU and ATMF UR. The rules are compatible with the provisions of the EU rules on safety of the railway system.

The EST UR require Contracting States to ensure that:

- Responsibilities for ensuring railway safety are clearly assigned;
- The safety and operational rules applicable to railway undertakings and to infrastructure manager(s) are public/available;
- There is a process for the safety certification of railway undertakings and all certified railway undertakings are publicly registered;
- All railway undertakings and the infrastructure manager(s) establish their safety management systems and monitor their correct implementation;
- They mutually accept assessment results from the Safety Certification Authorities of other Contracting States. (As an option, they may also conclude agreements which provide for the mutual recognition of Safety Certificates);
- Railway undertakings and infrastructure managers cooperate to ensure the safe operation of trains on the Contracting State's territory.

The General Assembly recommended that the Committee of Technical Experts prepare proposals for annexes to the EST UR before the EST UR enter into force. The proposals could then be adopted by the Committee of Technical Experts without delay after the EST UR enter into force.

3. SCOPE OF WORK

The work programme of the Committee of Technical Experts, adopted at the 13th session, states that:

“In accordance with Article 8 § 3 of the EST UR, in order to implement the requirements of the EST UR in a harmonised way, the annexes to be developed must include:

- *A Common Safety Method for safety management system requirements to be applied by Safety Certification Authorities when issuing Safety Certificates and by railway undertakings and*

¹ <http://otif.org/fileadmin/new/2-Activities/2A-General-Assembly/2AcNotifications/NOT-18001-Ad2-fde-Appendix-H-EST.pdf>

infrastructure managers when developing, implementing, maintaining and improving their safety management systems;

- *A Common Safety Method on monitoring to be applied by railway undertakings and infrastructure managers and entities in charge of maintenance;*
- *The necessary links to the Common Safety Method 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 Common Safety Method on supervision to be applied by Supervision Authorities.*

Furthermore, the Committee of Technical Experts should consider the inclusion of harmonised procedures for the issuing of Safety Certificates.

There are some interdependencies between the different Common Safety Methods.

- *The Common Safety Method on SMS requirements has links to:*
 - *Operations (EU: TSI OPE);*
 - *CSM on monitoring;*
 - *CSM Risk Evaluation and Assessment (UTP GEN-G).*
- *The Common Safety Method on monitoring has links to ECM regulation.*
- *The Common Safety Method on supervision has links to the Common Safety Method on SMS requirements. On the basis of these interdependencies, the following steps are proposed:*

Step 1:

- *Develop the CSM on SMS requirements.*
- *Integrate the necessary operational provisions (based on OPE TSI).*
- *Include all links to UTP GEN-G (CSM on risk evaluation and assessment).*
- *Develop the CSM on monitoring in parallel with the above.*

Step 2:

- *Develop the CSM on supervision, with the exception of coordinated and joint supervision (Annex II to the EU CSM), as these do not fall within the scope of COTIF.*

Step 3:

- *Develop a system of cooperation and peer evaluation for:*
 - *Coordinated and joint supervision of Supervision Authorities;*
 - *Mutual recognition of safety certificates by Safety Certification Authorities.*

It is proposed to request WG TECH to start with the developments under step 1, i.e. to start developing the CSM on SMS requirements and the CSM on monitoring. WG TECH should report on progress at the next session of the Committee of Technical Experts.

Similarly to the development of UTPs, the CSMs will be developed on the basis of the best practices offered by European Union legislation. A question that has yet to be answered is whether it would be useful to use a 2-column layout, as is required by the APTU UR for the UTPs, or whether the CSMs should be presented in full-width text. As a reminder, the UTPs use two column text when there is a difference between the OTIF UTP text and the corresponding European Union TSI text. In such case, the EU texts are provided in the right-hand column for information only. Text which is full-width is identical in substance.

There is no legal requirement to use two-column texts for the CSMs. However it may be beneficial to do so, particularly for railway undertakings, so that they can see the differences and commonalities between OTIF rules and European Union rules. The Secretariat would suggest a hybrid solution, where the official CSM is in full width text and an additional informal document with a two-column format is provided for information. “

4. PROGRESS REPORT

Based on proposals prepared by the OTIF Secretariat, WG TECH developed drafts of the CSM on SMS Requirements in the form of draft Annex A to the EST UR and the CSM on Monitoring, set out in draft Annex B to the EST UR.

Consecutive versions of the drafts were reviewed at the 43rd, 44th and 45th sessions of WG TECH. At the 45th session, there was consensus on the drafts and no further comments, so the drafts could be forwarded to the Committee of Technical Experts (see working documents TECH-22007 and TECH-22008).

The format used for the drafts is similar to the format of the rules on Certification and Auditing of Entities in Charge of Maintenance (ECM), Annex A to the ATMF UR. This means that a 2-column layout is used to identify the differences in substance from the EU provisions. The EU provisions that are reproduced are shown in the right-hand column. Their status is for information only.

PROPOSAL FOR DECISION

The Committee of Technical Experts:

- Takes note of the progress report on the development of annexes to the EST UR, as described in working document TECH-22006;
- Endorses the draft CSM on SMS Requirements as set out in document TECH-22007 [, as modified at the session], which, after adoption, would become Annex A to the EST UR;
- Endorses the draft CSM on Monitoring as set out in document TECH-22008 [, as modified at the session], which, after adoption, would become Annex B to the EST UR;
- Requests the Secretary General to place the adoption of Annexes A and B to the EST UR on the agenda of a future session of the Committee of Technical Experts, as soon as the EST UR have entered into force.