



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**

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14TH SESSION

Proposal for a procedure for the dissemination of safety recommendations relevant to the safe use of vehicles in international traffic

1. INTRODUCTION

At the 45th session of WG TECH (3-4 November 2021), the European Union Agency for Railways (ERA), assisted by an external expert, presented the procedure established in the European Union to investigate incidents and accidents and the general arrangements for supporting such investigations. This procedure is carried out in the context of the so-called Joint Network Secretariat (JNS), which gathers selected experts from the National Safety Authorities of the EU Member States, sector representatives and the European Union Agency for Railways (ERA).

ERA also presented the results of one specific JNS investigation case concerning broken wheels on freight wagons, including the related recommendations that the sector should implement to manage the risks relating to broken wheels.

The case presented at WG TECH raised the question of how such useful and relevant information and recommendations could be shared at OTIF level. Currently, there is no formally agreed procedure and there are no clearly defined tasks and responsibilities in COTIF. For these reasons, WG TECH suggested that the Committee of Technical Experts should discuss how the results of investigations and, in particular, safety relevant recommendations, could be shared with Contracting States.

2. AIM OF THE PROPOSAL

This document proposes a process for sharing experiences and lessons learned from incidents and accidents¹ that are relevant to vehicles used in international traffic. The objective is to help prevent similar incidents and accidents in future.

It is proposed that recommendations from the JNS be shared with non-EU Contracting States through OTIF. In addition, it is proposed that non-EU Contracting States be given a similar opportunity to share with OTIF their experiences and lessons learned.

3. LEGAL BASIS

Article 16 § 4 of the ATMF UR lays down that “*The Contracting States shall keep records, publish investigation reports including their findings and recommendations, inform the authorities concerned and the Organisation of the causes of accidents, incidents and severe damage in international traffic that occurred on their territory. The Committee of Technical Experts may examine the causes of serious accidents and incidents or severe damage in international traffic with a view possibly to developing the construction and operation prescriptions for vehicles contained in the UTP and may, if appropriate, decide to instruct the Contracting States within a short time limit to suspend relevant Certificates to Operation, Design Type Certificates or declarations issued.*”

This provision sets out the roles of Contracting States and the Committee of Technical Experts in analysing and examining the causes of accident and incidents. This provision obliges Contracting States to inform the Organisation of *the causes of accidents, incidents and severe damage in international traffic*. For the purpose of Article 16 § 4 of the ATMF UR, ‘Contracting States’ should be interpreted as including the European Union, together with its internal forums, procedures etc., whose task is to *publish investigation reports including their findings and recommendations*. On this basis, it is proposed that JNS reports that are relevant to international traffic should be dealt with in accordance with Article 16 § 4 of the ATMF UR.

Consequently, *the authorities concerned and the Organisation* should be informed of relevant information that is sent to the Secretary General, including JNS reports.

¹ Incidents, accidents and serious accidents are defined in Article 2 of the ATMF UR

4. ENTITIES INVOLVED AND THEIR ROLES

Firstly, it is proposed that in application of Article 16 § 4 of the ATMF UR, Contracting States, including the European Union on behalf of the EU Member States, should notify the Secretary General of the *causes of accidents, incidents and severe damage in international traffic that occurred on their territory*, further referred to as ‘the notified information’.

Secondly, the Secretary General should publish the notified information on OTIF’s website, on a page to be created for this purpose. In addition, the Secretary General should inform all Competent Authorities of the notified information by means of circular letters.

Lastly, the Competent Authorities should be responsible for appropriately informing all relevant railway actors that are active on their territory.

In addition, the Committee of Technical Experts, or its working group WG TECH on its behalf, may examine the notified information, *with a view possibly to developing the construction and operation prescriptions for vehicles contained in the UTP and may, if appropriate, decide to instruct the Contracting States within a short time limit to suspend relevant Certificates to Operation, Design Type Certificates or declarations issued*, as laid down in Article 16 § 4 of the ATMF UR

PROPOSAL FOR DECISION

The Committee of Technical Experts takes note of document TECH-22009-CTE14-6.2 and establishes a procedure for sharing information on the causes of accidents, incidents and severe damage in international traffic within the scope of Article 16 § 4 of the ATMF UR. To this end the Committee of Technical Experts:

- Reminds all Contracting States to notify the Secretary General of the *causes of accidents, incidents and severe damage in international traffic that occurred on their territory* in accordance with Article 16 § 4 of the ATMF UR;
- Decides that JNS reports fall within the scope of information referred to in Article 16 § 4 of the ATMF UR, provided that the JNS reports are sent to the Secretary General by the European Union, represented by its Agency for Railways or its Commission;
- Requests the Secretary General, on the basis of Article 21 § 3 letter d) of COTIF, to ensure that all Contracting States are provided with the information that is notified to him in the scope of Article 16 § 4 of the ATMF UR. To achieve this goal, the Secretary General is requested to publish the notified information on OTIF’s website and to issue a circular letter informing all Competent Authorities of the published information;
- Requests Contracting States to inform all Railway Undertakings, Infrastructure Managers, Entities in Charge of Maintenance, Keepers and any other relevant actors involved in international traffic on their territory, of the notified information, as appropriate.

Furthermore, the Committee of Technical Experts again notes that, in accordance with Article 11 of its Rules of Procedure, any member or observer, or the Secretary General, may propose to place on the agenda of the Committee of Technical Experts, or its working group WG TECH, items relating to information in the scope of Article 16 § 4 of the ATMF UR.