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Progress report on monitoring and assessing implementation of the APTU and ATMF
Uniform Rules by Contracting States

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1. INTRODUCTION

At its 13th session (22-23 June 2021), the Committee of Technical Experts decided to initiate step by step monitoring and assessment of the implementation of the APTU and ATMF Uniform Rules (UR) in accordance with working document [TECH-21002](#) and on the basis of the provisional application of the [Draft Decision on the Monitoring and Assessment of Legal Instruments](#).

The Committee of Technical Experts noted the importance of monitoring and assessment and therefore requested Contracting States (CSs) to offer their full cooperation. It also requested the Secretariat, in coordination with the Chair of the Committee and on behalf of the Committee, to send the questionnaire on the APTU and ATMF UR annexed to document TECH-21002 to CS and to regional organisations which have acceded to COTIF.

The Committee of Technical Experts also requested the Secretariat to analyse the responses, with a view to assessing the degree of implementation of APTU and ATMF UR, presenting and discussing its findings at WG TECH and reporting to the next session of the Committee.

Lastly, the Committee of Technical Experts decided that it intended to involve stakeholders in the next step of monitoring and requested the Secretariat, in coordination with WG TECH, to propose suitable methods for this purpose for the next session. Monitoring and assessment should be broadened to include more detailed rules laid down in the technical Annexes and UTPs.

In the meantime, the 15th General Assembly (28-29 September 2021) adopted the ‘Decision on the monitoring and assessment of legal instruments’ (OTIF-21002-AG 15), and approved the ‘Explanatory Notes on the Decision on the monitoring and assessment of legal instruments’ (OTIF-21003-AG 15). Both the Decision and the Explanatory Notes are contained in the Annexes to the final document of the 15th General Assembly, accessible here: [Activities](#) > [General Assembly](#) > [Final Document](#)

The purposes of monitoring and assessing implementation of the APTU and ATMF UR are:

- To assess the degree of implementation of the rules in each CS;
- To promote confidence between CSs that the rules are applied consistently;
- To provide the Committee of Technical Experts with data on the basis of which it can take decisions to further the aims of the APTU and ATMF UR.

2. QUESTIONNAIRE

The [questionnaire](#), as agreed by the Committee of Technical Experts and sent to the CSs and European Union (EU) on 6 August 2021, contained 12 questions which centered around:

1. Whether and how CSs have implemented and apply the provisions incumbent on them as set out in the APTU and ATMF UR 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 the APTU and ATMF UR, as a quantitative measure of relevance;
3. The relevance of the rules as perceived by officials in the CSs as a qualitative measure of relevance.

3. ASSESSEMENT OF RESPONSES

18 of the 43 CSs and the EU responded to the questionnaire. In alphabetical order of their ISO 3166 acronym, the CSs that responded were¹: Albania (AL), Austria (AT), Switzerland (CH), Germany (DE), Spain (ES), France (FR), United Kingdom (GB), Greece (GR), Croatia (HR), Hungary (HU), Ireland

¹ The 2-letter country codes in accordance with ISO 3166 are used throughout this document for brevity.

(IE), Lithuania (LT), Luxembourg (LU), Norway (NO), Portugal (PT), Serbia (RS), Slovakia (SK) and Turkey (TR).

Arguably, the number of responding CSs is rather low. It is perhaps worth looking at possible explanations for this low response rate.

Several of the responding CSs that are also EU Member States referred in their answers to the response provided by the EU. It is possible that a number of EU Member States have not responded themselves and considered that the EU would respond on their behalf.

The non-responding EU Member States were Belgium (BE), Bulgaria (BG), Czech Republic (CZ), Denmark (DK), Estonia (EE), Finland (FI), Italy (IT), Latvia (LV), Netherlands (NL), Poland (PL), Romania (RO), Sweden (SE) and Slovenia (SI).

In addition, Monaco (MC) and Liechtenstein (LI) did not respond. The railway lines of these two CSs are, in practice, integrated in the networks of France and Austria respectively. It may therefore be difficult for these two CSs to answer the questionnaire. Nevertheless, from a formal legal point of view, these States remain in charge of and are responsible for implementing the Convention on their territory.

Finally, there was no response from the following (non-EU) CSs: Afghanistan (AF), Armenia (AM), Bosnia and Herzegovina (BA), Algeria (DZ), Iran (IR), Morocco (MA), Montenegro (ME), North Macedonia (MK), Tunisia (TN) and Ukraine (UA).

In January 2022, the Secretariat sent an email reminder to the CSs that had not initially responded to the questionnaire. This document reflects the responses received by mid-March 2022.

In the following subchapters, the responses to each of the questions in the questionnaire will be described, followed by an assessment of the situation.

3.1 QUESTION 1 - NATIONAL TECHNICAL REQUIREMENTS

3.1.1 OBJECTIVE

Assess whether for each CS, the Secretary General is informed of the national technical requirements in accordance with Article 12 of the APTU UR, applicable to railway vehicles.

3.1.2 BACKGROUND INFORMATION

In 2018, the Committee of Technical Experts issued explanatory document [TECH-18023](#) on this subject.

As explained in TECH-18023, national technical requirements are necessary in the following cases:

- In the absence of UTPs (for vehicles, this only concerns the on-board part of the CCS system, as all other vehicle parameters are covered by UTPs);
- To cover open points in the UTPs (an open point in the UTP means that the parameter is indispensable for the mutual acceptance of vehicles and their free circulation in international traffic, but that it has not yet been possible to harmonise the specification to cover the parameter);
- To ensure technical compatibility with the particularities of a network;
- To provide (detailed) specifications related to a specific case.

The transparency of national technical requirements is mandatory and important, but at the same time, it is not critical, as concluded in TECH-18023:

“Although there may be no direct benefit for states to notify their NTR, the obligation to do so exists. Even though there might be no immediate consequence for states if they do not notify their requirements, as they can apply rules even without notification, the absence of clarity will affect manufacturers, vehicle keepers, railway undertakings etc., making their business less predictable and more risky. Long term consequences might lead to less efficiency in the railway sector and wasted resources. Transparency of rules provides these parties with increased legal certainty and predictability in their projects and hence lower risks and greater efficiency.”

3.1.3 RESPONSES

The EU and the responding EU Member States all refer to the central EU databases for national rules. The Secretary General was last notified of the relevant database in 2013. Recently, the EU database has been changed. The EU indicated that it would notify the Secretary General of this change.

Of the responding CSs which are not EU Member States, only CH has recently notified its national technical requirements. NO has made its national technical requirements accessible through the EU system. The other responding CSs (GB, RS, TR) indicated that they did have national technical requirements and two (GB, RS) indicated that they would soon notify the Secretary General thereof.

No other CSs, including all those that have not responded to the questionnaire, have notified the Secretary General of their national technical requirements.

3.1.4 ASSESSMENT

Only the EU, on behalf of its Member States (for which the notification also included NO) and CH have previously notified national technical requirements related to the UTPs currently in force. The Secretary General has published links to these requirements on OTIF’s website http://otif.org/en/?page_id=196.

It is a matter of fact that rail networks are not harmonised to the extent that all vehicles complying with UTPs are fully compatible with all networks. In practice, every CS needs national technical requirements to enable the safe use of vehicles on their networks, perhaps with the exception of highly standardised freight wagons. The failure of many CSs to notify these national technical requirements does not mean they do not exist or are not applied. CSs should therefore be reminded of their obligation under Article 12 of the APTU UR.

3.2 QUESTION 2 - COMPETENT AUTHORITY AND OTHER ENTITIES

3.2.1 OBJECTIVE

Assess whether for each CS a competent authority and, where relevant, other entities have been notified and whether they comply with the independence criteria.

3.2.2 RESPONSES

The response from the EU confirmed that the information, which concerns the EU Member States, is complete and up-to-date. CH, RS, TR and GB also indicated that their information is published on OTIF’s website. TR and GB indicated that some information needed to be updated.

AL indicated that it was in the process of reforming its railway administration, which would result in the creation of government entities that would be independent from the railway actors.

3.2.3 ASSESSMENT

Competent authorities are the key state entities for the implementation and application of the provisions of the APTU and ATMF UR. CSs that have not notified their competent authority should in general be considered as not applying the provisions of the APTU and ATMF UR in practice. LI and MC might be considered as exceptional cases, as the admission and operation of vehicles on their networks may effectively be integrated into the networks of AT and FR respectively.

In any case, the absence of a notified competent authority means that other CSs and railway actors cannot contact the CS, so several provisions of the ATMF UR cannot be applied. This effectively means that CSs that have not notified their competent authority cannot and should not issue vehicle admissions to international traffic on the basis of COTIF. Vehicles from these CSs should not be operating in international traffic on the basis of COTIF.

The following CSs have in the past notified the Secretary General of their competent authorities and assessing entities: BA, ME, RS, CH, TR, GB and the EU on behalf of all its Member States and NO. The notified information is published here: http://otif.org/en/?page_id=200.

This means that in addition to LI and MC, no information is available from AF, AL, AM, DZ, IR, MA, MK, TN and UA.

It is obvious that, depending on how the railways are organised in a particular state, setting up a competent authority with the appropriate independence in accordance with the ATMF UR may require organisational adaptations and time. However, it would be necessary for the Secretary General to obtain details about the specific situation in each CS that has not yet notified him of its competent authority.

3.3 QUESTION 3 – VEHICLE REGISTERS

3.3.1 OBJECTIVE

Assess whether the data on vehicles of each CS admitted to international traffic are accessible through a vehicle register.

3.3.2 BACKGROUND INFORMATION

According to rules previous adopted by the Committee of Technical Experts, each CS was required to have implemented its national vehicle register by 1 September 2013, at the latest. Under these previous rules, the national vehicle registers (NVR) were connected through the ECVVR². These rules have been repealed and replaced by the [OTIF specification for vehicle registers](#) of 2021.

The future of vehicle registers has been subject to debate in recent years. There is consensus that digital access to essential vehicle data is important; however, some legal and practical challenges still need to be overcome.

According to the 2021 OTIF specification for vehicle registers, “*Contracting States shall notify the Secretary General without delay of the location of the vehicle register and how to request access rights to it.*”

3.3.3 RESPONSES

The responding EU Member States referred to the EU register systems in place and the future European Vehicle Register (EVR), which is still under development. Most of the responding EU Member States

² ECVVR stands for European Central Virtual Vehicle Register, which can be described as a search engine allowing searches in all connected national vehicle registers. ECVVR is provided by the EU for use by EU Member States and non-EU CSs.

indicated how their national registration entity could be contacted in order to request (reading) access to the register.

The EU indicated in their response that the “EVR will be fully accessible, including to OTIF members, and is offered for use to states beyond EU member states as full-fledged vehicle register based on an agreement with the Agency.”

The responding non-EU CSs (CH, NO, RS, TR, GB) all replied that they had an operational register and also provided information as to how (read) access to their register could be requested.

The EU indicated that the only non-EU states connected to the ECVVR were CH, GB, ME and RS.

AL indicated that it has a register of railway vehicles that is not accessible through the internet.

3.3.4 ASSESSMENT

The information provided by the responding CSs indicates that all have either established their vehicle register or use the solutions provided at EU level.

All EU Member States will in future use the EVR, which is a legal obligation under EU law.

The following non-EU CSs have indicated, either in their responses to the monitoring and assessment questionnaire, or through other information exchanges, that they also intend to use the EVR in the future: NO, RS, BA, MK and TR.

LI expressed (through other information exchanges) that it relies on the register of AT. There is no formal information from MC, but presumably it relies on the register of FR.

This means that there is currently no information concerning vehicle registers from the following CSs: AF, AL, DZ, IR, MA, ME, TN and UA.

3.4 QUESTION 4 - ACCIDENTS, INCIDENTS AND SEVERE DAMAGE REPORTING

3.4.1 OBJECTIVE

Assess whether the requirements of Article 16 ATMF UR are relevant and whether it is necessary to revise them.

3.4.2 BACKGROUND INFORMATION

In accordance with Article 16 § 4 ATMF, CSs 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 CSs to suspend the Certificate of Operation of a vehicle or vehicle type.

With very few exceptions, Contracting States do not in practice share their reports and findings related to accidents, incidents and severe damage in accordance with Article 16 § 4 ATMF.

3.4.3 RESPONSES

In their responses, the EU, the EU Member States and NO referred to the comprehensive EU system for registering and sharing information concerning incidents and accidents.

Several responses indicated that it was useful and important to share information at international level. There were some suggestions that OTIF should be linked to the EU system, but no detailed proposals were put forward. One response suggested offsetting up a web interface, similar to the ERA Safety Information System.

Multiple responses referred to the relative infrequency of meetings of the Committee of Technical Experts, which means that it is not well placed to take actions such as suspending a certificate of a vehicle type. For this reason, one response suggested deleting or rewriting Article 16 § 4 of the ATMF UR.

3.4.4 ASSESSMENT

The tasks and responsibilities for CSs and the Committee of Technical Experts defined in Article 16 § 4 of the ATMF UR are not put into practice in a consistent and structured manner. It therefore seems relevant to find ways to apply the provisions better or to consider revising them.

There are some examples where CSs or other parties saw a need to share safety relevant information at international level. A recent example is described in working document TECH-22009 (see [meeting documents for the 14th session of the Committee of Technical experts](#)), in which proposals are made to disseminate the findings of the Joint Network Secretariat (which may recommend practices at EU level following accidents and incidents).

3.5 QUESTIONS 5-7 – QUANTITATIVE MEASURE OF RELEVANCE

3.5.1 OBJECTIVE

Assess the extent of application of APTU UR, ATMF UR, their Annexes and UTPs by analysis of data related to vehicles and traffic.

3.5.2 RESPONSES

AL, DE, ES, FR, HU, IE, LU, PT, SK, RS, CH and TR provided numbers, as did the EU.

Some EU Member States did not provide data themselves and instead referred to the data provided by the EU. Some responding CSs were not (yet) able to provide any data.

The EU provided vehicle data from the non-EU CS CH, GB, ME and RS. These were data accessible through the ECVVR. According to these data, 4654 vehicles from these CS were suitable for use in international traffic in the EU. The response did not specify the number of vehicles registered in EU Member States that were suitable for use in international traffic outside the EU.

CH indicated that about 20300 of its registered vehicles are suitable for use in international traffic into the EU, which included 150-170 locomotives, 250 passenger coaches and 48 trainsets. The rest are freight wagons.

RS indicated that 5035 of its registered vehicles are suitable for use in international traffic into the EU.

GB and TR were not able to provide details.

The data from the EU did not comprise vehicle data from EE, HU, IE and LV, as at the time the data were retrieved, the registers of these states were not connected to the ECVVR central search engine. Of these CSs, HU and IE provided their own data, so the figures from HU and IE have been added to the EU totals.

Several responses indicated that even when vehicles are suitable for international use, it was not possible to indicate whether or not they were actually used internationally.

An interesting detail is that the number of wagons of the five EU Member States that provided combined numbers slightly exceeded the number of wagons indicated by the EU as a whole. A possible explanation is that one or more responding EU Member States gave total numbers of rolling stock and not, as requested, the subset that is suitable for international traffic. For the EU Member States, it is therefore proposed only to consider the data provided for the EU in total. In general, it is assumed that the vehicle data provided are incomplete and should be interpreted with caution.

AL indicated that it currently has no international traffic and no vehicles suitable for international traffic.

3.5.3 ASSESSMENT

Despite problems with data quality, it is possible to extract some useful information from the data provided.

Over 90% of standard gauge wagons are suitable for international use. For Iberian gauge wagons, around 50% are suitable for international use. This very high percentage reflects the need for highly interoperable freight wagons.

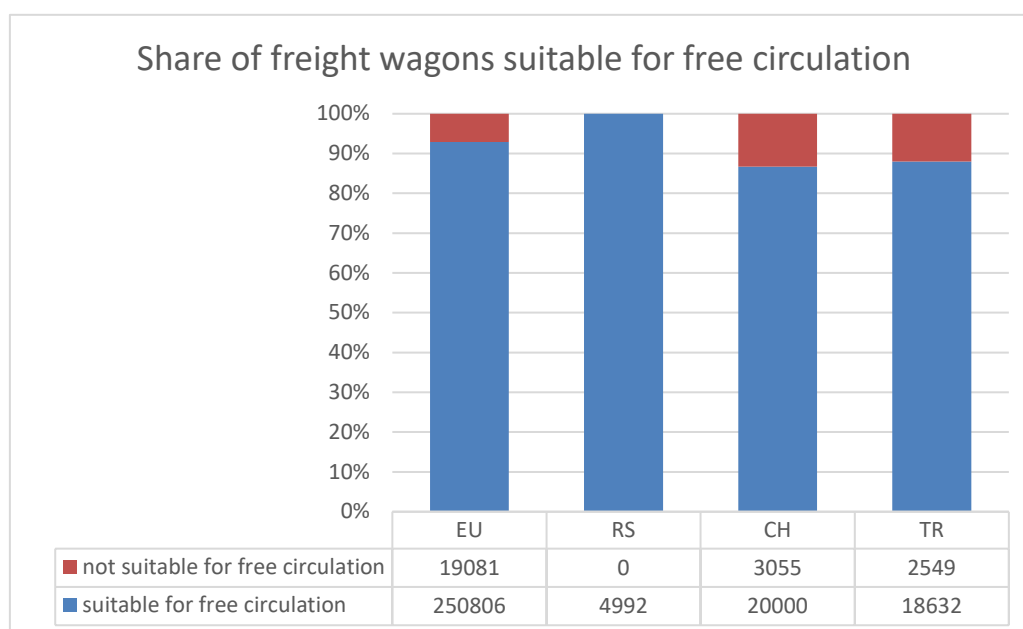


Figure 1

About 14% of the reported wagons were admitted or authorised after 1 December 2012. This date is relevant from a legal point of view, because from that date the first set of UTPs covering freight wagons entered into force. This means that from that date, wagons complying with either the TSIs or the UTPs were formally accepted in international traffic on the basis of COTIF. The WAG TSI had already existed since 2006, but as there was no UTP until 2012, TSI compliant wagons could not officially be used outside the EU on the basis of COTIF between 2006 and 2012. Moreover, in accordance with Article 11 § 2 of the APTU UR, from the entry into force of the UTPs, these took precedence over the technical RIV provisions.

With regard to passenger rolling stock, international traffic is traditionally often operated with (RIC) passenger coaches. This is reflected in the large proportion of coaches. It is interesting to note that there is currently also a large proportion of electric train sets (e.g. TGV, ICE, Pendolino and Eurostar) suitable for international use.

It is relevant to note that, generally, trainsets are compatible with certain lines only, whereas coaches may be suitable for general international operation. Obviously, the coaches need to be hauled by a locomotive, which have similarly complex interfaces with infrastructure and signalling as trainsets.

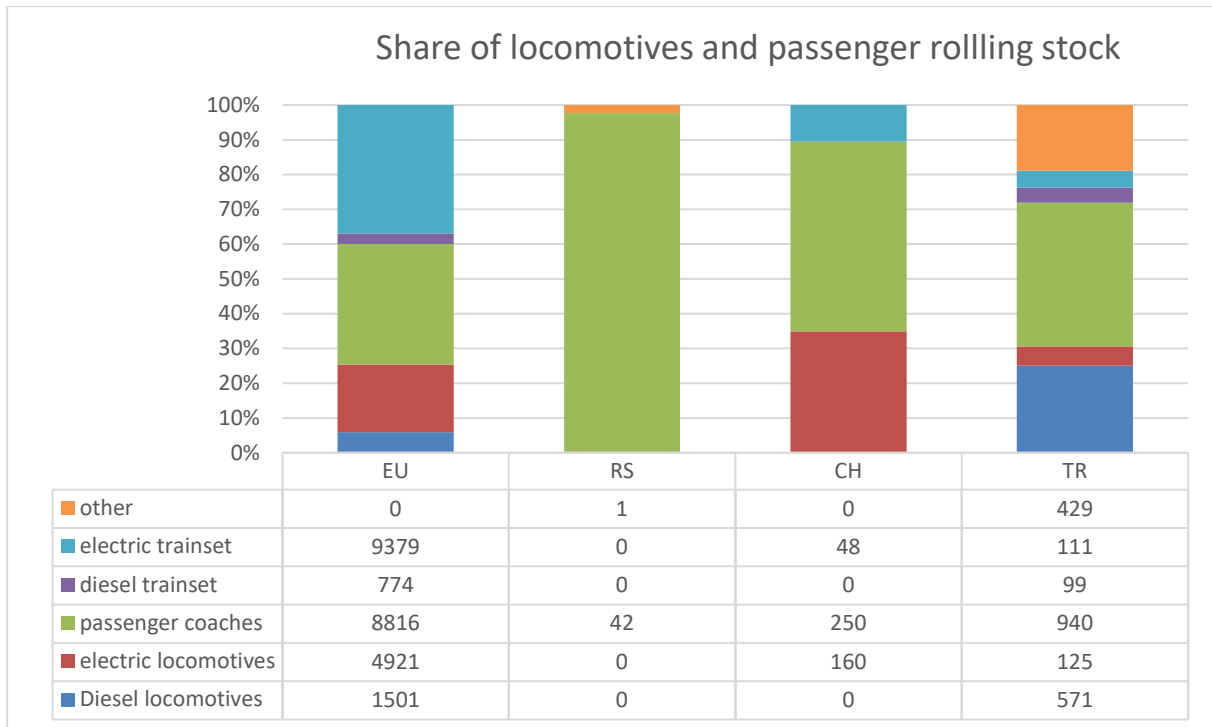


Figure 2

Note to figure 2: it was not always clear whether the data provided for trainsets corresponded to the actual number of trainsets or the number of ‘segments’ that are a part of trainsets (so that one trainset consists of e.g. eight segments).

The information provided does not allow a reliable and complete assessment of the data concerning the extent to which the APTU and ATMF UR are used. Nevertheless, it is clear that significant numbers of vehicles are admitted and used on the basis of the APTU and ATMF UR. As the next step, involving the sector in monitoring and assessment may help us to obtain more information about traffic volumes.

3.6 QUESTIONS 8-9 – PERCEIVED RELEVANCE

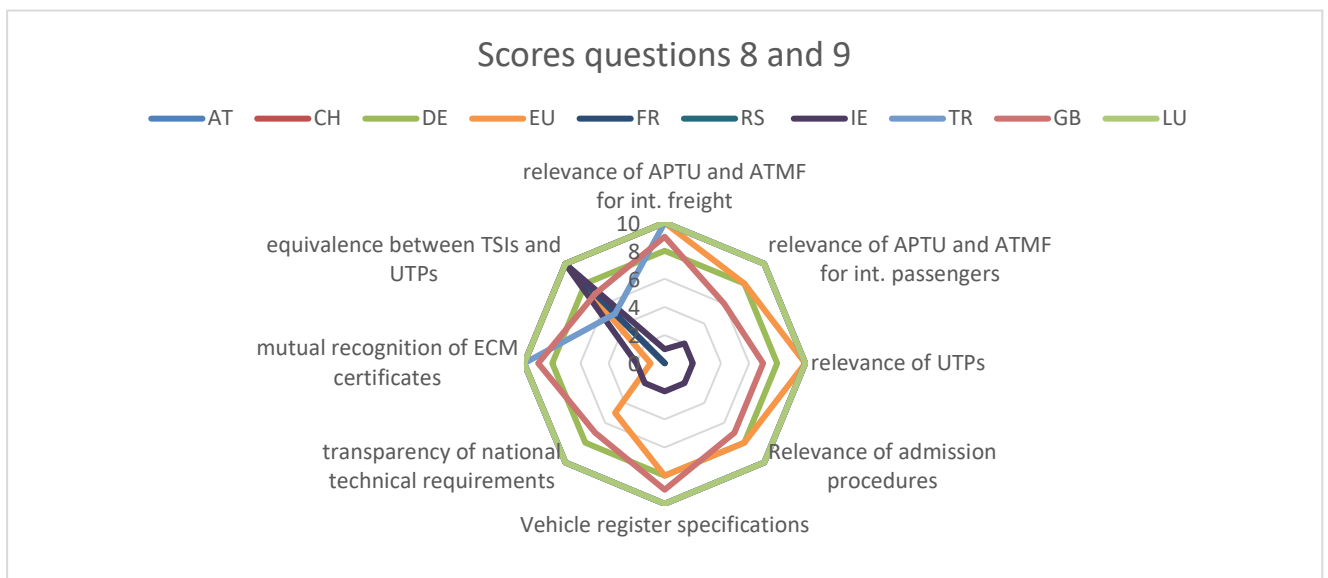
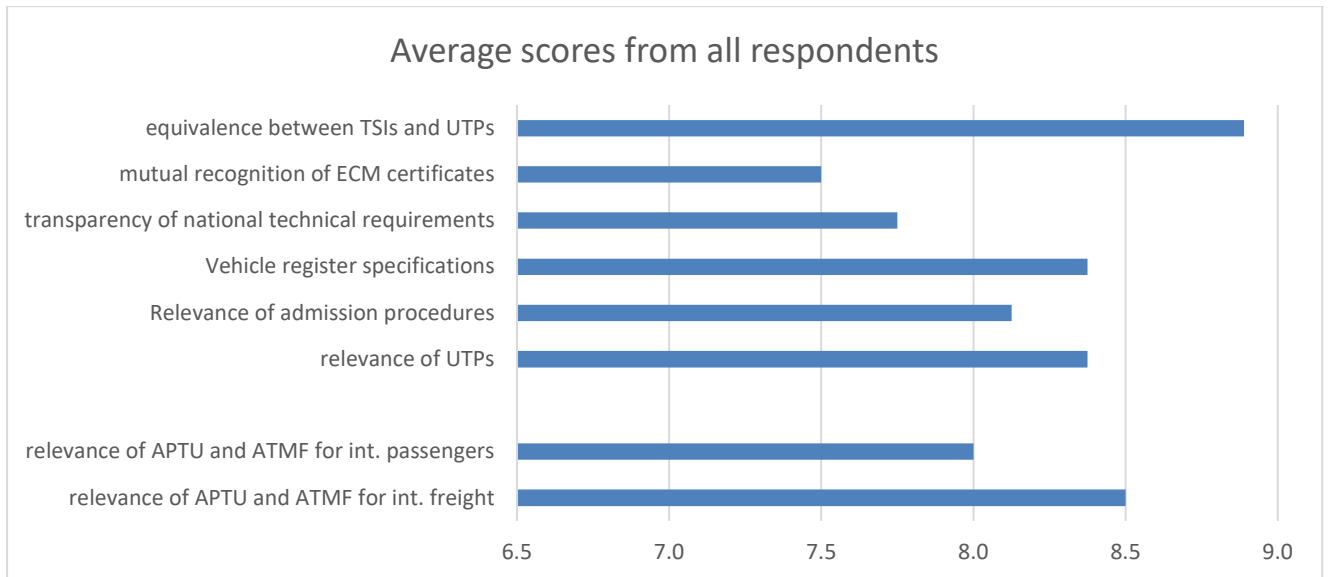
3.6.1 OBJECTIVE

Questions 8 and 9 ask respondents how they perceived the relevance of the APTU and ATMF UR, quantified by a score, with the opportunity to comment as well. The objective of the questions was to obtain a personal view of staff working with the APTU and ATMF UR.

3.6.2 RESPONSES

Questions 8 and 9 request respondents to give a score on a scale from 1-10 as to how important a particular element of COTIF is in their view.

Not all responding CSs filled out these questions and some did so only partially. Only the CSs that gave a score are taken into account.



A summary of some of the comments provided in the explanations to the scores:

- Respondents deemed the provisions more relevant to freight transport (average score 9.5, with the lowest score 8) than to passenger transport (average score 8.7, with the lowest score 6). This can be explained by the fact that international traffic volumes for freight are much higher than for passengers, particularly for traffic from and into the EU.
- The EU Member States' respondents were of the view that equivalence between the TSIs and UTPs is extremely important. Non-EU respondents also found this generally important, but on average less so than the EU respondents.
- The EU gave the lowest score (1) for the perceived relevance of the mutual recognition of ECM certificates. In its explanation, it indicated that formally, there is no “mutual recognition” of ECM certificates. Presumably, this is perhaps because the question may have been worded a little ambiguously, as the EU has always fully supported ensuring that, for the purpose of the ATMF UR, the rules for the certification of ECMs are equivalent between COTIF and EU law.
- IE responded that it had an isolated network and that there has been no international travel outside of the EU until recently (post-Brexit), so it had no experience with UTPs.

3.6.3 ASSESSMENT

From the responses, it is clear that for most respondents, the provisions are very relevant.

Some respondents from EU Member States indicated that they apply EU law and not COTIF. For respondents from the Iberian Peninsula (ES, PT) this is probably correct, because due to the specific gauge, it is unlikely that vehicles will be used between ES, PT and non-EU CSs. Nevertheless, with some other EU Member States' respondents, there seems to be some misunderstanding about the scope of the APTU and ATMF UR and their annexes and UTPs. For example, some suggested that COTIF rules did not matter for their state, as all neighbouring states are EU Member States and therefore only EU law applies. However, a wagon that is used, for example, for traffic between DE and TR, will transit several EU Member States, such as AT, HU and RO. For this international traffic, COTIF rules apply (in addition to EU rules on EU territory), even if it does not involve vehicles from the CSs it transits and if the origin and destination of the transport is not on their territories.

3.7 QUESTION 10 – FUTURE DEVELOPMENT OF THE APTU AND ATMF UR

3.7.1 OBJECTIVE

The question was what the focus of future developments should be in order to make the provisions more relevant.

3.7.2 RESPONSES

Not all respondents gave substantial feedback on question 10. Below is a summary of the replies that were given.

CH indicated the relevance of developing common safety methods under the umbrella of the EST UR. It also supported the further development of UTPs on the basis of EU TSIs. Lastly, CH found it crucial that access to vehicle registers, including the European Vehicle Register (EVR), be clarified.

DE underlined the fact that in future, the focus should continue to be on aligning the COTIF rules with EU law, so that railway actors are neither excluded nor discriminated against. Transparent and equivalent rules applicable over a wide geographical area promote the railway market both in the EU and beyond.

ES emphasised the importance of fully aligning the COTIF rules with EU rules.

EU suggested developing a UTP TAP, taking over the provisions applicable in the EU. This would include harmonised rules on providing passengers with information before and during their journey, reservation and payment systems, luggage management and management of connections between trains and with other modes of transport.

LU stated that compliance with and enforcement of the APTU and ATMF UR and of the UTPs were very important and could lead to a significant increase in the volume of goods transported by rail. In addition, it was of the view that the characteristics of the national rail networks should also be harmonised in order to increase the level of interoperability of the rail networks in order to increase the level of interoperability of the overall system.

RS requested that new UTPs be adopted for subsystems that are not yet covered by UTPs, with priority given to the command control and signalling (CCS) subsystem.

TR indicated that there should be consistency between the rules of the APTU and ATMF UR and that they should contribute to the integration of rail systems at international level.

GB supported the further development of UTPs, in particular to align them with the 2022 revisions of the EU TSIs. Furthermore, it stressed that the issue of interconnection of vehicle registers should be resolved, so that vehicles only need to be registered in one vehicle register. It fears that failing to do so may have a negative impact on actors operating international traffic. In addition, GB suggested examining the alleged imbalance between the rights and obligations under the ATMF UR of CSs that are also Member States of the EU, and those that are not.

3.7.3 ASSESSMENT

In general, respondents supported further development of the technical interoperability provisions, in particular by developing them on the basis of EU provisions.

3.8 QUESTION 11 – ROLE OF THE OTIF SECRETARIAT

3.8.1 OBJECTIVE

The question was how the OTIF Secretariat could better support the CSs in the application of COTIF and involve them more in the future development of COTIF.

3.8.2 RESPONSES

Not all respondents gave feedback on question 11. Below is a summary of the replies that were given.

CH suggested encouraging more non-EU CSs to participate in the technical interoperability meetings and to identify further areas of alignment between COTIF and EU legislation. It also was in favour of using more questionnaires on specific safety and interoperability issues, with a view to sharing experience and best practices between CSs.

DE was of the view that the best incentive for states to be active and participate in OTIF's activities would be the prospect of running trains more easily on the Member States' networks. It suggested that the Secretariat could ask all Contracting States to designate focal points specifically to deal with questions of technical interoperability.

The EU suggested monitoring the actual implementation and application of COTIF in detail, as far as the interaction between EU rules and COTIF rules are concerned (technical appendices). The EU thought it important that the OTIF Secretariat, the European Commission and the European Union Agency for Railways should maintain a permanent line of communication and meet regularly to deal with potential issues.

FR recalled that the implementation of COTIF is an obligation of the parties to the Convention in order to ensure that the Convention is fully applied. It suggested that better monitoring of the implementation of the Convention would be useful, particularly with regard to revisions to COTIF or its appendices approved by specific bodies and not by the General Assembly (e.g. Revision Committee), as these amendments did not require the express approval of the Member States in order to enter into force.

IE indicated that it was very satisfied with the level of support provided by the OTIF Secretariat.

LU suggested promoting interoperability as an opportunity for rail transport, with a view to increasing the share of transport, especially as rail transport has the advantage of being the most environmentally friendly mode. It also suggested providing financial support, although it did not provide details of where this support should come from.

RS suggested that organising workshops or seminars in regions outside the EU would be useful. At such events, CSs could express their views and exchange experiences in the application of COTIF, as well as their expectations and requirements in terms of the further development of COTIF.

TR suggested that the Secretariat could offer training for staff of the Competent Authorities and hold regular meetings with the Competent Authorities with a view to promoting the correct application of COTIF.

3.8.3 ASSESSMENT

The points raised by respondents could be considered in the work programmes of the Committee of Technical Experts:

- Continue using questionnaires as a tool for gathering and sharing experiences of CS in applying the APTU and ATMF UR;
- Ask CSs to designate a formal focal point for technical interoperability matters;
- Continue monitoring and assessment in more detail, in particular for subjects where COTIF and EU law interact;
- Organise workshops or seminars, in particular in non-EU CS;
- Engage in closer contact with Competent Authorities and offer training for their staff.

3.9 QUESTION 12 – ANY OTHER REMARKS

3.9.1 OBJECTIVE

The objective is to give respondents the opportunity to provide further information with regard to the next steps for monitoring and assessment.

3.9.2 RESPONSES

Not all respondents gave feedback on question 12. Below is a summary of the replies that were given.

AL expressed its appreciation for the opportunity to attend OTIF meetings online. This enabled AL to participate in meetings that could not otherwise be attended. It hoped that online participation in meetings would continue to be possible in future.

CH suggested considering the involvement of other entities, such as railway undertakings, infrastructure managers and assessing entities in the next steps of monitoring and assessment.

EU stressed that it is important that all CSs apply the APTU and ATMF UR and their Annexes and UTPs and that OTIF had a role in ensuring that this happened. It was of the view that guidelines for monitoring application could support this.

3.9.3 ASSESSMENT

The responses provided are in line with the proposed next steps for monitoring and assessment.

4. SUMMARY OF FINDINGS

The objective of this first step in monitoring and assessing implementation of the APTU and ATMF UR was to gain information on the general, high-level implementation of the provisions by CSs.

The responses provide useful information which can feed into the Committee of Technical Experts' work programme and the Secretariat's activities.

The response rate to the questionnaire was quite low, with roughly one third of the CSs responding. This may partly be explained by:

- the (false) assumption by some EU Member States that the APTU and ATMF UR are not relevant or do not apply to them, as they apply EU law;
- the fact that some CSs are presumed to apply the APTU and ATMF UR, as they have not entered a formal reservation in accordance with Article 42 of COTIF, whereas in reality, they do not apply them.

Findings:

1. With the exception of the EU Member States, CH and NO, the CSs have not recently notified their national technical requirements in accordance with the APTU UR. CSs should be reminded (again) of their obligation to do so.
2. The low number of responses suggests that contact with the non-responding states should be improved. Following the example of the ad hoc Committee of Legal Affairs and International Cooperation, Contracting States could be requested to nominate focal points. Focal points would act as the working-level contact point between the OTIF Secretariat and the state concerned.
3. Several CSs have not notified OTIF of their Competent Authority. This suggests that these CSs have not, in practice, implemented the APTU and ATMF UR. This mostly concerns CSs that currently have no international traffic with other CSs. States that formally do apply the APTU and ATMF UR (but which do not apply them in reality) could be contacted to find out what their requirements are and whether they intend to implement the rules. If not, they should be reminded of the possibility of making a formal reservation in accordance with Article 42 of COTIF to declare that they do not apply the APTU and ATMF UR.
4. Vehicle registers and access to them is an important subject. The situation in most CSs is subject to change, because of the implementation of the European Vehicle Register at EU level. The Committee of Technical Experts should continue to monitor this subject with a view to mitigating the problems which occur in practice.
5. CSs have no view on how vehicles registered in their register are used in international traffic. Although it is confirmed that the majority of freight wagons are suitable for international traffic, it is not possible for CSs to obtain any information on their actual use and hence whether COTIF is being used. Sector associations may help clarify this in a next step.
6. The tasks and responsibilities for CSs and the Committee of Technical Experts concerning incidents and accidents as defined in the ATMF UR are not put into practice. It would therefore seem useful to find ways to apply the provisions better or to consider revising them.
7. Over 90% of standard gauge wagons are suitable for international use. This very high percentage reflects the need for highly interoperable freight wagons. The UTPs could possibly better reflect this need by giving more prominence to specifications for standardised wagons. These specifications are currently in point 7.1.2 and in Appendix C to the UTP WAG.

5. NEXT STEPS

In 2021, at its 13th session, the Committee of Technical Experts expressed its intention, as the next steps, to involve stakeholders, including assessing entities, in monitoring and to focus also on the correct application of procedures. It requested the Secretariat, in coordination with WG TECH, to propose suitable methods for this purpose for the next session.

Because the last meeting of WG TECH took place before the deadline for responses to the first questionnaire, WG TECH has not yet had the opportunity to reflect on the first step or consider methods for the next step. It is therefore proposed that the Committee should first decide on a general direction for the next steps and request WG TECH to develop detailed methods for implementing these next steps.

It is worth recalling that monitoring and assessment is a continuous activity that will take place in parallel with the other activities of OTIF's organs and the Secretariat. As a result, there will not be one, but several next steps. The Committee will be in a position to adjust its priorities and redefine the next steps at each session.

The Secretariat proposes to continue monitoring and assessment by means of a follow-up to the findings of the first step, including attempts to fill in the gaps and define how to approach the subjects of the next steps as defined by the Committee in 2021.

As follow-up to the first step, the Secretariat, in cooperation with the Member States, could be requested to:

- Establish a list of focal points in all Member States for matters related to APTU and the ATMF UR;
- Offer assistance to non-EU CSs that have not notified OTIF of a competent authority, in order to help them take steps to implement the provisions of COTIF or to remind them of the possibility of making a declaration in accordance with Article 42 of COTIF that they do not apply certain Appendices of COTIF.

As a next step in terms of monitoring and assessment, WG TECH could be requested to develop questionnaires in order to:

- Try to obtain a better view on how vehicles are used in international traffic and on traffic volumes by involving the sector's representative bodies (e.g. CER, ERFA, UIP and UIC);
- Understand how, in practice, assessing entities apply the rules and procedures for assessing vehicles or vehicle types to ascertain whether they comply with the UTPs;
- Understand how, in practice, competent authorities apply the rules and procedures for issuing vehicle admissions;
- Obtain a view on whether compliance with the UTPs is relevant with regard to authorisation for national use in the CSs.

PROPOSAL FOR DECISION

The Committee of Technical Experts:

1. Takes note of document TECH-22010-CTE14-6.3 concerning the progress report on monitoring and assessing implementation of the APTU and ATMF Uniform Rules by Contracting States;
2. Reminds Contracting States of their obligation under Article 12 of the APTU UR to notify their national technical requirements;
3. Decides that each Member State that applies the APTU and ATMF UR should designate one or two focal points for matters related to the APTU and ATMF UR. At the request of the Secretary General, the focal points should be notified to him in writing, specifying their names and functions;
4. Requests the Secretariat to establish contact, through the focal points, with the Contracting States that are not actively involved in the activities of OTIF in the technical interoperability field with a view to helping them take steps to implement the provisions of COTIF;
5. Requests WG TECH to develop questionnaires in order to:
 - a) Try to obtain a better view on how vehicles are used in international traffic and on traffic volumes by involving the sector's representative bodies (e.g. CER, ERFA, UIP and UIC);

- b) Understand how, in practice, assessing entities apply the rules and procedures for assessing vehicles or vehicle types to ascertain whether they comply with the UTPs;
- c) Understand how, in practice, competent authorities apply the rules and procedures for issuing vehicle admissions;
- d) Obtain a view on whether compliance with the UTPs is relevant with regard to authorisation for national use in the CSs.