



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**

TECH-17011-CTE10-5.2b

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PROPOSAL FOR A DECISION TO MODIFY UTP GEN-A

Proposal for a decision by the Committee of Technical Experts to modify the Uniform Technical Prescriptions concerning “Essential Requirements”

1. BACKGROUND TO THE PROPOSAL

Uniform Technical Prescriptions (UTPs) are adopted in accordance with Appendix F to the Convention (APTU). To the extent necessary for the purpose of APTU and Appendix G to the Convention (ATMF), equivalence is established between the UTPs and European Union legislation.

UTP GEN-A lays down the Essential Requirements referred to in ATMF.

UTP GEN-A 2015 is currently in force and is equivalent to the European Union provisions set out in Annex III to Directive 2008/57/EC of 17 June 2008, as amended by Directive 2013/9/EU of 11 March 2013, and as amended by Commission Directive 2014/38/EU.

These EU provisions have been repealed and replaced with Annex III to Directive (EU) 2016/797 of 11 May 2016 on the interoperability of the rail system within the European Union.

In order to maintain equivalence between these COTIF and EU provisions, UTP-GEN A 2015 should be modified. The required modifications are shown as changes compared to UTP GEN-A 2015 in the document submitted for decision: TECH-16043-CTE10-5.2a.

As announced during the 31st session of the Standing Working Group Technology (WG TECH) the OTIF Secretariat proposes to modify UTP GEN-A by adopting a new version of UTP GEN-A and repealing existing UTP GEN-A 2015. The new UTP would therefore replace the former UTP.

2. BASIS FOR THE DECISION

In accordance with Article 20 § 1 b) COTIF and Articles 6 and 8a APTU, the Committee of Technical Experts (CTE) is competent to take decisions about the adoption of a UTP or a provision amending a UTP.

In accordance with Article 8 § 8 the CTE may adopt UTPs which do not refer to subsystems, such as general provisions, essential requirements or assessment modules.

3. PROCESS AFTER THE DECISION

1. Following the CTE decision to modify UTP GEN-A, the Secretary General will notify the decision to the Member States in accordance with Article 35 § 1 COTIF. This is done by means of a circular letter.
2. Notification is the action that formally initiates the process for entry into force of the modification. Article 35 §§ 3 and 4 COTIF set out the conditions for the modifications to enter into force following their notification. The entry into force of this UTP modification takes place on the first day of the sixth month following the notification.
3. Article 8 §§ 1 and 3 APTU stipulate that UTP must be published on the Organisation's website at least one month before entry into force. The website will indicate the date of entry into force.
4. The UTP will be published in its final form, i.e. not showing changes compared to its previous version.
5. Although it is not formally required by the Convention, the Secretariat will ensure that after the modified version has entered into force, the previous version (UTP GEN-A 2015) will also remain accessible on the website, as this may be useful, e.g. in terms of traceability.

4. PROPOSALS FOR DECISION

The Committee of Technical Experts adopts the following decisions:

1. The UTP GEN-A is modified in accordance with the changes as set out in document TECH-16043-CTE10-5.2a.
2. The modified UTP GEN-A replaces UTP GEN-A 2015 and UTP GEN-A 2015 is therefore repealed with effect from the entry into force of the modifications which are the subject of this decision.

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