



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**

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## **WORK PROGRAMME 2017-2018**

**FOR THE COMMITTEE OF TECHNICAL EXPERTS AND ITS STANDING WORKING GROUP**

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Discussion document

## 1. INTRODUCTION

Harmonised technical provisions are a precondition for compatibility between railway systems. Since their inception, the technical provisions of COTIF have been equivalent to those of the EU. The provisions are modern and form a solid basis for developments and innovations in the rail sector. Technological and scientific progress, as well as feedback on experiences with applying them, may require the new technical regulations to be developed or existing ones to be reviewed and updated. Coordinating these activities is the core business of the OTIF Secretariat's technical interoperability department.

## 2. WORKING WITHIN A COORDINATION FRAMEWORK

As a working principle and in order to avoid duplication of work, rules are developed at EU level first and then taken over at OTIF level. In order to be able to influence developments in the EU, several practical working methods have been implemented.

The OTIF standing working group technology (WG TECH) meets three times a year and provides an international platform where railway regulatory developments are discussed between government officials, sector representatives and (international) authorities. In particular for non-EU States the WG TECH meetings provide an opportunity to discuss matters with representatives from the European Commission's Directorate General for mobility and transport (DG MOVE) and the European Union Agency for Railways (the Agency) in order to exchange views. At each session, the OTIF Secretariat informs WG TECH of developments since the last session, the meetings it has participated in and, where relevant, the position it took. The OTIF Secretariat drafts detailed minutes of each meeting and makes them public on the OTIF website.

In October 2013 administrative arrangements were agreed between ERA, the European Commission's DG MOVE and the OTIF Secretariat. These arrangements enable effective coordination between the three parties and in particular, make it possible to put forward the interests of non-EU States during the ERA working groups. In 2016 an annex to these arrangements was agreed between the three parties, further streamlining the cooperation. Some practical examples resulting from these arrangements are:

OTIF experts are invited to take part in meetings of ERA to represent the interests of all non-EU OTIF Contracting States and to ensure that developments which are related to equivalent EU/COTIF provisions are compatible with COTIF. If a working party is set up by the Agency, the Agency and the OTIF Secretariat analyse how the future work might impact equivalence between EU law and OTIF law, based on the ERA project plan – preferably before the working party's kick-off meeting. This analysis allows the OTIF Secretariat to decide whether or not participation in the Agency's Working Party would be useful in order to represent the interests of non-EU OTIF Contracting States. In parallel, the OTIF Secretariat may include the subject on the agenda for WG TECH.

At OTIF's WG TECH, the Agency presents and discusses on-going projects on draft Agency recommendations, advice and opinions which may be of relevance in terms of EU/OTIF equivalence. This also allows non-EU OTIF Contracting States to be aware of these developments and to take part in the discussion.

When an Agency project reaches its final stage, the Agency invites the OTIF Secretariat to consult the non-EU OTIF Contracting States on draft new, amended or revised EU rules, such as TSI revisions. This allows the non-EU Member States of OTIF to analyse and comment on the work of ERA. After this consultation, the Agency explains to WG TECH how it has taken the feedback received during the consultation into account.

DG MOVE regularly updates WG TECH on developments in the EU railway legislation, such as, for example, developments in the fourth railway package.

DG MOVE invites the OTIF Secretariat to the RISC meetings as an observer to discuss subjects of mutual interest and provides the OTIF Secretariat with access to CIRCA documents of mutual interest.

DG MOVE provides the OTIF Secretariat with the final EU texts in MS Word format in French, English and German as soon as they become available.

Joint ERA/OTIF registers for VKM and ECM have been established and in future, there will also be a joint register for CSM assessment bodies.

### 3. GENERAL ROADMAP FOR THE DEVELOPMENT OF TECHNICAL INTEROPERABILITY REGULATIONS

Today, the existing technical regulations of COTIF mainly deal with the admission of vehicles and only to a very limited extent with operational and safety procedures<sup>1</sup>. The OTIF Secretariat is of the opinion that the Member States of OTIF would be best served if COTIF were developed further so that it also provides a basis for interoperability upon which neighbouring States can rely to operate trains across their borders.

To this end the OTIF Secretariat took the initiative to draft a proposal for a new Appendix H to COTIF concerning the safe operation of trains in international traffic. The purpose of the new Appendix is to provide general principles and responsibilities for the cross-border operation of trains for States that already fully apply APTU and ATMF.

Since its inception, ATMF has dealt with the procedure for the admission of railway vehicles to international traffic, including which rules are applicable to these vehicles and the responsibilities for correctly using and maintaining these vehicles.

The provisions are based on and are intended to be compatible with the provisions applicable to the rail system of the European Union.

The ambitions concerning interoperability do not in any way limit or diminish the aim of providing provisions to facilitate the exchange of vehicles in international traffic on the basis of OTIF's Uniform Technical Prescriptions (UTPs). A full set of UTPs is now available at OTIF level for freight wagons, locomotives and passenger rolling stock, as well as the procedures for approving them.

With a view to the above, it is anticipated that the most important developments will include:

- Preparation of amendments to APTU and ATMF in order to ensure, where relevant, continued compatibility between these provisions and the **EU's fourth railway package**. The decisions concerning these amendments is in the competence of the Revision Committee, although the Committee of Technical Experts is well placed to help prepare a proposal.
- Development of a draft proposal for a new Appendix H to COTIF concerning the safe operation of trains in international traffic, with a view to **facilitating interoperability**.
- Facilitating the exchange of (passenger) vehicles in international traffic, by ensuring that a set of harmonised **inter-vehicle requirements for passenger coaches** is available at international level. After this development was initiated at OTIF level, it is now the subject of more detailed specification by an ERA working party, which will propose amendments to the LOC&PAS

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<sup>1</sup> The provisions concerning Entities in Charge of Maintenance (ECM) are an example of safety-related provisions. Appendix I to the UTP WAG is another example, transposing provisions relating to train composition and the use of wagons from the EU Operations and traffic management TSI.

TSI<sup>2</sup>. In parallel, WG TECH will prepare equivalent amendments to be proposed for adoption by the CTE.

#### **4. REVISIONS OF AND AMENDMENTS TO EXISTING RULES**

As set out in this document, most revisions of and amendments to technical and safety provisions are first drafted by ERA working groups, then adopted at EU level by the Commission. Similar amendments and revisions are then subsequently reviewed by WG TECH and adopted by the CTE at OTIF level in order to preserve equivalence between EU and COTIF provisions.

In accordance with these principles it is important for OTIF to be involved early on in developments at EU level. For this reason the OTIF Secretariat, in coordination with WG TECH, is working closely with ERA on subjects which are of mutual interest, such as:

The possible extension of the scope of the ECM<sup>3</sup> regulation so as to cover not only the certification of ECMs for freight wagons, but also ECMs for other types of vehicles. The OTIF Secretariat cooperates in particular with ERA by providing elements related to the situation of the ECM rules in the scope of COTIF, so that ERA can include this in its impact assessment.

WAG TSI amendments. In particular, ERA has been working on closing the open points. In addition, it is anticipated that ERA will work on specifications relating to derailment detection devices for freight wagons, taking into account the conclusions of the RID working group on the subject.

LOC&PAS TSI amendments. At the time of writing, ERA has submitted two recommendations to the European Commission to amend the LOC&PAS TSI, one mainly to close open points and the other to specify provisions allowing certain types of vehicles to be subject to unique authorisation. These provisions are of particular interest to OTIF, as they form the basis for allowing the “free circulation” of vehicles in the meaning of Article 6 § 3 ATMF.

ERA has been working on the rationalisation of vehicle-related registers (RVRR) since 2013 in accordance with a mandate on the matter. The fourth railway package has now set the legal basis for the creation of a European Vehicle Register, to replace each EU State’s national vehicle register. The OTIF Secretariat will continue to work with ERA and DG MOVE in order to ensure that these EU developments will be compatible with the National Vehicle Register specifications applicable at OTIF level.

The ERA ad-hoc task force on the sectoral scheme for accreditation of NoBos under Directive 2008/57/EC established non-binding provisions that form best practice guidelines for the accreditation of Notified Bodies at EU level. The scheme includes references to EN standards, particularly in order to ascertain the competence and independence of Notified Bodies. Further work concerns the development of a process for the Agency to monitor the performance of NoBo. The Committee of Technical Experts should analyse whether and how these developments should be reflected in COTIF provisions and/or recommended practices for authorities in non-EU OTIF Contracting States. This could for example result in amendment proposals to UTP GEN-E on the qualifications and independence of assessing entities.

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<sup>2</sup> TSI stands for Technical Specification for Interoperability.

<sup>3</sup> ECM stands for Entity in Charge of Maintenance and the provisions concerning the certification of freight wagon ECMs are set out at OTIF level in Annex A to ATMF and at EU level in Commission Regulation (EU) No 445/2011.

## **5. KEEPING A WATCH ON THE APPLICATION OF TECHNICAL PROVISIONS**

The quantity of technical regulations developed under APTU and ATMF is already large and is still growing. Dealing with the quantity and complexity of all the rules may be challenging for some of the OTIF Contracting States. At the same time, correct implementation is becoming increasingly important. If the OTIF regulations are not applied correctly, this may result in disruptions to international traffic, as illustrated by freight wagons which were blocked at borders in June 2013 because they had no valid Entity in Charge of Maintenance (ECM) assigned to them. The same could happen if vehicles are not correctly registered in the National Vehicle Register and traceable for all Competent Authorities through the connection with the Virtual Vehicle Register.

The OTIF Secretariat has adopted a participative approach, where close cooperation with the Member States and other organisations working in the field of international rail traffic is sought.

The various working groups and sessions of the Committee of Technical Experts are without doubt the most important in terms of direct contact between the OTIF Secretariat and its Member States. In these meetings, Member State representatives can express their views, become more familiar with what is happening and actively contribute to the development of COTIF. The OTIF Secretariat issues precise minutes of each meeting so that persons not attending the meetings are also able to follow the subject at hand.

Organising and taking part in seminars and workshops in our Member States is also a good way for the Secretariat and the OTIF Member States to establish and maintain contacts.

In addition to its dissemination activities, in 2015 the OTIF Secretariat started an intensive in-house training programme intended for selected members of staff from the competent authorities of non-EU OTIF Member States. Trainees take part in the everyday activities of OTIF's technical department and are given explanations and specific training on the technical Appendices to COTIF. In return, this can help the staff of the Secretariat to achieve a better understanding of how COTIF is applied in the intern's State. At the end of the training, the trainee is then able to apply his newly acquired knowledge, provide training himself and disseminate what he has learnt at national level. The aim is that the trainee will participate in at least one meeting organised by the Technical Interoperability Department. At the time of writing, five trainees (from Turkey, Montenegro and Serbia) have participated in the programme, each for a period of between 2 and 4 months. The programme remains in place and other States have already expressed interest.

## **6. INTERDISCIPLINARY COORDINATION**

Equally important as preserving equivalence between EU and OTIF provisions on technical and safety matters is ensuring that there is no inconsistency between these provisions and other branches of international (COTIF) law. In recent years, the consistency between RID and general railway provisions has been analysed in particular.

Initially, a study on the "Analysis of the interactions and coherence between railway and dangerous goods legislation in the European union" carried out for the European Commission was completed in March 2013. Then a joint paper prepared by the OTIF Secretariat and the European Commission in December 2014, entitled "Interaction between RID and ATMF, improving consistency between COTIF Appendices C and G", was communicated to OTIF's CTE and RID Committee of Experts and to the EU's RISC and TDG Committees.

On this basis the RID-ATMF working group was established jointly by the European Commission and the OTIF Secretariat. The working group was composed of experts selected from the committees mentioned above. The RID-ATMF working group met four times (3 and 4 February 2016, 9 and 10

June 2016, 18 and 19 October 2016 and 8 and 9 February 2017) and during its sessions came to the conclusions set out in a document sent to all four Committees for endorsement.

Endorsement of the conclusions will result in the creation of the *Joint Coordinating Group of Experts* (JCGE), which will be able to deal effectively with the coordination of issues which concern both areas of law and prepare proposals for legal provisions. As soon as the JCGE is set up, the EU Commission's DG MOVE and the OTIF Secretariat will organise its first session.

## **7. PROVISIONAL TIMETABLE**

After the CTE 10, two more sessions of WG TECH are planned in 2017, the first on 12 and 13 September in Lille or Brussels hosted by ERA or DG MOVE respectively, and the second in December at the OTIF premises. One more WG TECH meeting is planned for 2018, before the 11<sup>th</sup> session of the CTE.

The Revision Committee is competent for the planned modifications concerning APTU and ATMF. It could also review proposals for a new Appendix H to COTIF concerning the safe operations of trains in international traffic, but could not adopt it. The Revision Committee is scheduled to convene early in 2018.

The General Assembly will convene in September 2018.

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