



Organisation intergouvernementale pour les transports internationaux ferroviaires

Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr

Intergovernmental Organisation for International Carriage by Rail

WG TECH

32nd Session

The Minutes

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DISCUSSION

Welcome by the OTIF Secretariat

Mr Bas Leermakers (head of OTIF's technical department) welcomed all the participants ([List of participants Annex I](#)) and then opened the 32nd session of WG TECH in Brussels.

Welcome by the host (European Commission)

Mr. Patrizio Grillo, the representative of the EC, warmly welcomed the delegates and once again highlighted the importance of COTIF for technical harmonisation in the light of the fourth railway package. He also introduced Mrs. Michaela Strohschneider, who would be taking over from him. Mrs Strohschneider would continue to follow activities in connection with COTIF as the new representative of the EC.

1. APPROVAL OF THE AGENDA

The **Secretariat** explained that the provisional agenda had been sent to participants with the invitation on 11 July 2017 ([circular TECH-17022](#)). Since there were no objections, the agenda was adopted accordingly.

Conclusion: WG TECH approved the agenda for the 32nd session ([Annex II](#)).

2. GENERAL INFORMATION (FROM THE OTIF SECRETARIAT)

The Secretariat informed the meeting about the results of CTE 10. CTE 10 had adopted the UTP TAF and amendments to the UTP GEN-A, UTP GEN-B, and UTP GEN-C.

With regard to the current geographical scope of COTIF and its Appendices, the meeting was informed that the United Kingdom had lifted its reservations against the CUI UR – Appendix E to COTIF, with effect from 28 July 2017. This meant that OTIF's regulations were now applied homogenously by all EU Member States.

3. ELECTION OF CHAIR

The **Secretariat** proposed Mr Roland Bacher (Switzerland) to chair the session. No other nominations were proposed. Mr Bacher accepted the nomination and WG TECH unanimously elected Switzerland, in the shape of Mr Roland Bacher, to chair this session.

The Chairman thanked WG TECH for the trust it had placed in him.

4. APPROVAL OF THE MINUTES OF THE 31ST SESSION OF WG TECH

Document: [WG TECH 31 PVM](#) Provisional Minutes of the 31st session

On 10 April 2017, the **OTIF Secretariat** had sent the provisional minutes to delegates who had attended the 31st session of WG TECH (21-22 February 2017). No comments had been received before the meeting. At the meeting, ERA wondered whether the term “area of use” on page 11 could be clarified in more detail than “... *a geographical or technical reference to the network for which the vehicle would be authorised.*”. Participants agreed that the term “area of use” should be clarified further and discussed at the next WG TECH meeting. To this end, ERA would consult representatives of the industry and operators and prepare a *post-meeting note after WG TECH 32* for the attention of WG TECH 33, with a view of introducing the term “area of use”. In addition, the first conclusion on page 12 was modified as follows:

“1. WG TECH noted that the term: “area of use” should be understood as it appears in the Interoperability Directive, i.e.g. as a term that geographically identifies the network.”

The **Chairman** thanked Mr. Schmitz for chairing WG TECH 31, summarised the discussion and concluded that the minutes of the 31st session of WG TECH were approved with the correction set out above. He also noted that ERA would prepare a post-meeting note about term “area of use” to be discussed at WG TECH 33.

5. ANALYSES FOR DISCUSSION

a), b) Analysis of the relevance of the difference between the EU and COTIF provisions (two-column layout) concerning fixed installations

Document: [TECH-17036](#) Analysis of the relevance of the difference between the EU and COTIF provisions concerning fixed installations

The **Secretariat** reminded the meeting that WG TECH 31 had discussed the reasons for the difference between COTIF and EU provisions in the UTP GEN-A and at CTE 10 CER had wondered whether the definition of the subsystem infrastructure in the UTP GEN-B should explicitly include bridges as part of the infrastructure subsystem. Following these meetings the Secretariat was requested to provide an analysis of these subjects, which it had set out in the document related to these agenda items (TECH-17036). Since COTIF and EU law have different aims and scopes, the analysis had shown that infrastructure had been included in COTIF only as far as the interface with the vehicle is concerned. Furthermore, the APTU and UTPs could include infrastructure, fixed installations and operational prescriptions if this were necessary for international traffic. However, these binding rules should be limited so as to facilitate international traffic only. The Secretariat’s view was that the UTP GEN-A is correct and complete and did not need to be modified. With regard to the UTP GEN-B the Secretariat suggested simplifying the text by deleting the last sentence of both points 2.1 and 2.2.

The **Chairman** asked the meeting whether it would agree with the Secretariat’s analysis and opened the discussion.

RS was of the view that following the introduction of the EU’s fourth railway package, the requirements for the authorisation of vehicles in the EU and OTIF differed. He wondered how the compatibility assessment between vehicles and infrastructure could be checked in the absence of specific (infrastructure) parameters. He was therefore in favour of transposing the TSI requirements concerning fixed subsystems into UTPs. He also suggested developing the register of railway infrastructure (RINF) within COTIF, in line with RINF in the EU, with the aim of facilitating the compatibility checks between the vehicles and infrastructure.

The **Secretariat** explained that, as not all provisions could be developed at once, there had been a clear prioritisation, starting with vehicle requirements, in order to fill the gap left when RIV and RIC were no longer a basis for the admission of vehicles. It reminded the meeting about the general roadmap for the development of new technical regulations, according to which the priority in the previous period had been to facilitate international traffic. The Secretariat had agreed with RS that the UTP INF could be developed. However, the objectives and scope of such provisions should first be clear and the scope should be limited to interfaces with vehicles. With regard to developing a RINF, COTIF did not at present contain requirements on how RUs must check compatibility with infrastructure. This meant that states are deemed to have national provisions in force on how RUs must check this. The EU has chosen a harmonised approach where RUs are supported by registers (RINF and ERATV). The Secretariat was not aware of the extent to which this was applied in practice. Of course there was nothing to prevent non-EU States from assisting their RUs by establishing their infrastructure register, even without specifications in COTIF. With a view to the future Appendix H, such registers may become even more relevant for COTIF. The development of such registers should be a careful process, as significant resources would be involved in setting them up and keeping them.

DE shared the Secretariat's opinion on INF requirements and supported the proposal to amend the UTP GEN-B. He also proposed to delete the word "only" in both points to be amended. In his opinion, there was no need to harmonise all the EU's infrastructure-related requirements, except the basic parameters, such as gauge, rails, sleepers, axle load, etc.

FR shared the DE's opinion and supported the Secretariat's proposal to amend the UTP GEN-B. In addition, he noted point 1.5 of the UTP GEN-A, where the safety integration of vehicles was particularly highlighted.

The **representative of the EC** (Patrizio Grillo) reminded the meeting that WG TECH should continue to work in accordance with the general roadmap, unless there were any changes that might have an impact on planning. In this case, WG TECH should discuss the strategy (the roadmap) and amend it if necessary¹.

The **Chairman** summarised the discussion so far and noted that WG TECH agreed tacitly to accept the amendment to the UTP GEN-B proposed by the Secretariat, including deletion of the word "only" proposed by DE.

Proposal to amend the UTP GEN-B as a result of the discussion:

- “2.1 COTIF includes infrastructure ~~only~~ to the extent related to interfaces with the vehicles.
~~Therefore, the infrastructure subsystem only includes the track and points.~~
- 2.2 COTIF includes the energy system ~~only~~ to the extent related to interfaces with the vehicles.
~~Therefore, the energy subsystem only includes the overhead lines (catenary) and the quality of the power supplied.”~~

The development of the UTP INF

The **Chairman** reminded the meeting that development of the UTP INF should be preceded by a development strategy to be presented to CTE 11 for a clear mandate to develop such requirements.

The **Secretariat** proposed that further work should be carried out in two stages; in the first stage, the scope of COTIF related to the infrastructure should be analysed, and in the second stage, the requirements that need to be included in the UTP INF would be defined. It highlighted that all these requirements should be of use to and suitable for all the OTIF CS at the same time.

The **Chairman** summarised the discussion and noted that WG TECH agreed tacitly to initiate development of the UTP INF. WG TECH requested the OTIF Secretariat to prepare a draft strategy about the principles for developing the UTP INF, which would also include time planning to be discussed at the next WG TECH 33.

The development of the register of infrastructure (RINF)

The **Chairman** reminded the meeting that introduction of RINF had not yet been discussed within OTIF. He also noted that at present, instead of consulting one single register, RUs have to consult each of the IMs to check route compatibility between vehicles and infrastructure. He also thought that this subject could be dealt with in a similar manner as proposed for the UTP INF, i.e. WG TECH could draft a strategy on the basis of which CTE 11 could provide a clear mandate.

The **representative of the EC** (Patrizio Grillo) agreed with RS that the provision of infrastructure-related information to RUs would be beneficial, both for RUs and IMs. However, further activities would depend

¹ Post-meeting note: The general roadmap for the development of new technical regulations was adopted at CTE 8, held on 10 June 2015 in Bern. The OTIF Secretariat has attached it as [Annex III](#) to these minutes

on whether COTIF is also to regulate the international operation of trains (Appendix H), in which case such a register is necessary. It would then be left to the OTIF CS to decide which railway lines will be available for international (train) traffic and included in their RINF as such. He proposed that the EC could prepare a status update of RINF in the EU for the next meeting of WG TECH.

DE agreed with the EC. He referred to the authorisation of the vehicle for the “area of use”, in which case RINF would be needed for the process of checking compatibility between a vehicle and the network.

The **Secretariat** confirmed that when using vehicles admitted to international traffic, the RUs are required to check route compatibility between vehicles and infrastructure (Article 9 of ATMF). However, while the EU MS have agreed to facilitate such checks by means of RINF, this is not the case with the non-EU OTIF MS. Each State is therefore assumed to have its own tools and provisions in place, according to which RUs should perform these checks. This might change with the introduction of the new Appendix H to COTIF, after which some safety provisions might be harmonised. This might be a reason to decide that infrastructure parameters must be catalogued in RINF. The Secretariat also mentioned that any development should take into account the resources required to establish and keep such a register, e.g. financial resources and manpower. It agreed that it would be beneficial if the EC could provide a status update on RINF implementation and use throughout the EU.

The **Chairman** noted that WG TECH had indicated that it was necessary to investigate in more detail the possible introduction of RINF within OTIF, particularly with a view to possible developments concerning Appendix H. Subsequently, it had asked the OTIF Secretariat to prepare a feasibility paper about developing RINF, bearing in mind the possible reasons for the introduction of RINF, its conditions and consequences, together with possible time planning, and to present its findings at the next WG TECH.

ERA (Christoph Kaupat) offered to assist the OTIF Secretariat in preparing a feasibility paper about the development of RINF.

Conclusion

The **Chairman** summarised the discussion and concluded this item as follows:

1. WG TECH agreed tacitly to accept the Secretariat’s proposals to amend the UTP GEN-B, including the deletion of the word “only” proposed by DE.
2. WG TECH agreed tacitly to draft a strategy for the development of UTP requirements concerning infrastructure and subsequently requested the OTIF Secretariat to prepare it. The first draft should be prepared for the attention of WG TECH 33.
3. WG TECH requested the OTIF Secretariat, in cooperation with ERA, to draft a feasibility paper about the development of RINF for the attention of WG TECH 33.
4. WG TECH welcomed the EC’s offer to provide a status update on the implementation and use of RINF at WG TECH 33.

c) Analysis of the relevance of the difference between the EU and COTIF provisions concerning the mandatory or optional use of declarations of verification

Document: [TECH-17037](#)

Declarations in the scope of vehicle approval;
Analysis of the differences between EU and COTIF provisions

The **Secretariat** had prepared draft working document TECH-17037. It reminded the meeting that this subject had been initiated at WG TECH 31. The aim of the document was to explain the difference between EU law and COTIF concerning certificates and declarations for ICs and subsystems. The Secretariat noted that APTU and ATMF do not stipulate any requirements concerning ICs and that ICs are introduced at the lower level of the UTPs. Assessment of the ICs, although mandatory in the EU, is not mandatory in COTIF. In addition, it was highlighted that ICs cannot be sold or marketed internationally solely on the basis of COTIF, as COTIF is not a trade agreement. With regard to the

declarations of manufacturers and applicants, the Secretariat emphasised that they do not have the same purpose in the EU and COTIF.

The **Chairman** thanked Mr Leermakers for the introduction to the document. He noted that it was debatable whether all these provisions serve a purpose in COTIF, other than to ensure alignment with EU law, or whether they add unnecessary complexity. He proposed to discuss whether the concept of ICs and declarations and their mutual recognition are necessary and useful in COTIF.

DE reminded the meeting that the Interoperability directive had been introduced for reasons in connection with the common EU market and to harmonise international traffic throughout the single European area. On the other hand, the scope of COTIF was not to facilitate a common market for its Member States, but to facilitate international traffic among them.

The **representative of the EC** (Patrizio Grillo) agreed with DE.

NB RAIL agreed with DE and EC that the scope of EU and COTIF legislation differs. However, the validity of a single assessment carried out either under COTIF or EU law should result in certificates that are valid throughout all the OTIF CS.

CH reminded the meeting that the EU market had already been open to manufacturers from non-EU States as long as they apply the relevant EU law, which includes the assessment by NoBos.

In reply to **RS**'s question as to whether the separate assessment of the ICs for LOC & PAS is mandatory after the deadline under COTIF (as stated in the UTP LOC&PAS 2015), the **Secretariat** suggested that it should either provide its interpretation by e-mail or provide information to the CTE 11. It reminded the meeting that the analysis carried out had been limited to whether the concept of ICs should be kept within the UTPs and whether the concept of declarations should be maintained in the UTP GEN-D. In its view, some States might only be interested in these concepts to a limited extent, e.g. GCC, CN or states in the Far East. The OTIF Secretariat was sometimes asked why the technical provisions of COTIF were so complex. The Secretariat was of the view that the provisions should be as simple as possible, whilst maintaining compatibility with EU law.

With regard to the proposal suggested by the EC to find out about the position of the non-EU OTIF CS in terms of corresponding certificates and declarations for the ICs and subsystems by sending them a relevant questionnaire, the **Secretariat** explained that it was a challenge to find the right contacts, as competencies in this field are distributed at different levels in different states.

ERA (Richard Lockett) shared the Secretariat's view and suggested that WG TECH needed an overview of why particular provisions are necessary and what their purpose is, etc.

DE underlined the necessity of mutual acceptance of certificates for components and spare parts in both EU and non-EU OTIF CS. The **Secretariat** agreed and suggested that it may be worth considering whether COTIF should include provisions for the mutual recognition of component certification in particular, to facilitate component replacement in the scope of repair and maintenance (spare parts). The rationale behind this is that the replacement of components of vehicles in international use (e.g. change of wheelset) is likely to need to be carried out not just in the state where the vehicle is registered. This may include more types of components than those specified today as ICs.

The **Chairman** concluded that WG TECH took note of the analysis. He summarised the discussion and noted that the need for a certification procedure of ICs should be discussed further. Such a discussion should in particular take place when the relevant COTIF provisions become subject to modification. He also highlighted the importance of maintaining compatibility between EU law and COTIF.

d) Analysis of possibilities for the urgent modification of the UTP if there are safety-relevant omissions or errors in the UTP

Document: [TECH-17038](#) Urgent UTP modifications; Analysis of possibilities

The **Secretariat** had prepared draft working document TECH-17038 at the request of CTE 10. It reminded the meeting that this subject had been discussed by WG TECH 19 (Bern, February 2013). The Secretariat noted that safety management is primarily the task of the operational actors, i.e. RU, IM and ECM and that there are several possibilities for authorities to deal instantly with urgent safety-critical matters, including the suspension or withdrawal of certificates of operation. The safety of the railway system should not and does not rely exclusively on whether the technical rules are correct. Nevertheless, if a safety-critical error were to be identified in a UTP, the UTP should be modified as soon as possible. However, as COTIF constitutes international law, it takes a significant amount of time to modify it.

The **Chairman** thanked Mr Leermakers for the introduction to the document. He noted the Secretariat's suggestion and opened the discussion.

In response to the CER's question as to whether the CTE's procedure for the urgent modification of the UTPs could be bypassed, the **Secretariat** replied that as the UTPs are part of COTIF, the procedure for modifying it must follow the process defined in COTIF. The UTPs could already be modified using the so-called "simplified procedure", which applies to the decisions of OTIF's Committees. The only influence the CTE has on a speedy process for amendments is rapid decision-making.

In order to provide an overview of the whole process in one single document, the **Secretariat** proposed to amend document TECH-17038 by adding the conditions on organising an extraordinary session of the CTE as per Articles 7 and 8 § 1 of CTE's Rules of Procedure.

As far as DE was aware, there had not so far been any safety critical errors or safety issues in the TSIs. No errors had led to the cancellation of an RU's safety certificates or a NoBo's certificates/decisions.

CER reminded the meeting that provisions related to composite brake blocks had been introduced at national level, notwithstanding Annex C of the WAG TSI. He also noted that the EU had introduced the omnibus process to deal with deficiencies in TSIs (correction of several errors/omissions in several TSIs), whereas no similar process existed in OTIF.

The **Chairman** summarised the discussion and noted that the process of legal enactment took longer than the operational process and that safety problems could not be resolved by changing the rule only. Then he **concluded this item as follows**:

1. WG TECH discussed document TECH-17038
2. WG TECH requested the Secretariat to amend document TECH-17038 by including the provisions of Art. 7 and 8 § 1 of CTE's Rules of Procedure.
3. The amended document will be published for the attention of WG TECH 33.

6. UTP TAF

Document: [TECH-17020](#) Implementation of the UTP TAF in the non-EU OTIF Contracting States

Based on the task given by CTE 10, the **Secretariat** had prepared document TECH-17020 concerning implementation of the new UTP TAF. The document explained the following:

- Establishment of the company reference file, i.e. the process of allocating organisation codes
- Task of the stakeholders (organisations)
- Appointment of a national contact point (NCP)

- The representation of the non-EU OTIF CS and their involvement in the work of relevant governance bodies and in the development of the TAF requirements

In addition, the Secretariat reminded the meeting that the UTP TAF would enter into force on 1 December 2017 and highlighted once again the importance of awareness of the UTP TAF among the non-EU CS and in particular the RUs that apply it. It informed the meeting that the United Nations Economic and Social Commission for Asia and the Pacific (UNESCAP) had shown interest in applying the TAF requirements and the development of the IT system with regard to the railways.

The **Chairman** thanked Mr Nešić for the introduction to the document and opened the discussion.

CER informed the meeting about the ongoing discussion within the EU between EC, ERA, UIC and CER with regard to Article 2.2 of TAF TSI (functions outside the scope of the TSI/UTP) and suggested that before noting the document, WG TECH could await the results of this discussion and subsequently include them in the document.

ERA (Christoph Kaupat) agreed with CER and proposed to give the OTIF Secretariat adequate and timely feedback, particularly with regard to the timeline.

The **Secretariat** agreed with CER and ERA.

The **Chairman** summarised the discussion and noted that the document provided useful information for the non-EU OTIF CS. He also noted that Article 2.2 of TAF TSI was currently being discussed within the EU and that ERA would provide the OTIF Secretariat with adequate and timely feedback. Once the document had been updated in light of the discussion between EC, ERA, UIC and CER, the document could be published as an explanatory document for the UTP TAF.

7. DEVELOPMENTS IN EU REGULATIONS WHICH MAY AFFECT EQUIVALENCE WITH COTIF AND DISCUSSION ON NEXT STEP (PRESENTATIONS BY ERA OR DG MOVE)

a) Vehicle registers

Mr Andreas **SCHIRMER** of **ERA** informed the meeting about the status of the National Vehicle Registers (NVRs) in terms of how many were connected to the European Centralised Virtual Vehicle Register (ECVVR). As of September 2017, all 26 EU OTIF CS have their NVR connected to ECVVR, as well as Norway, Serbia, and Switzerland. The NVRs of Turkey and Montenegro, although technically connected to the ECVVR, were not yet functional. In reply to the Secretariat's question as to whether Turkey and Montenegro were aware of this, he confirmed that ERA had contacted them, but had not received any feedback. With regard to the results of the three-year RVRR² project, the meeting was informed that the relevant findings, which would be discussed at RISC 80 [November 2017] as well, had been forwarded to the European Vehicle Register (EVR) project. The latter project concerns the *creation* rather than the *definition* of the European register's architecture. In accordance with the fourth railway package, i.e. Article 47(5) of Directive (EU) 2016/797, the technical and functional specifications of the EVR would be adopted by 16 June 2018, on the basis of ERA's recommendation. The same article prescribed that the EVR must be operational by 16 June 2021. With regard to the EVR project, in order to draw up the recommendation, ERA had set up a working party on EVR which first met on 15 February 2017, in which the OTIF Secretariat participates as an observer. After explaining the working party's time planning, which would end by December 2017, Mr Schirmer further explained four clusters of functions covered by EVR:

- Data search and consultation function (DSC function),
- User creation and administration function (UCA function),

² Rationalisation of Vehicle Related Registers

- Reference data administration function (RDA function), and
- Application, registration, and data storage functions (ARS functions).

Lastly, Mr Schirmer explained that ARS functions can be centralised or decentralised and that the NVRs of the non-EU OTIF CS should be connected to the DSC function.

On behalf of WG TECH, the **Chairman** thanked Mr Schirmer for his presentation on the vehicle registers and opened the discussion.

The meeting required further clarification of the following: how the UCA function would be decentralised (bearing in mind the additional work for ERA and thus its increased costs); how the DSC function toward connected individual NVRs of the non-EU OTIF CS would be kept (by creating a “big” NVR, for example) and would the non-EU CS maintain their NVR databases? In response to these questions, **ERA** (Andreas Schirmer) confirmed that from the perspective of the non-EU OTIF CS, nothing would change. Centralisation of the ARS functions was initiated by several EU MS, but he also confirmed that some other EU MS are more in favour of decentralisation. He added that ERA intended to publish the EVR code to enable further development of the NVRs. In his view, the time horizon of three years after the introduction of the EVR act (16 June 2018) allowed sufficient time for implementation of the EVR.

With regard to the Secretariat’s question on where the vehicles would be registered if they were authorised in several states, **ERA** (Richard Lockett) reminded the meeting that the main reason behind the centralisation of the registers was to reduce the administrative burden. However, the complexity of the process of vehicle authorisation in several states had an impact on registers and so, at present, there was no clear answer to this, except that it should be analysed further.

CH (Roland Bacher) agreed with ERA that centralisation should reduce the administrative burden, but he wondered what the administrative costs for registers would be at national level if two registers were going to be created, e.g. one for interoperable vehicles and the other for (all other) national vehicles. In his view, these costs would be much higher than today, and therefore decentralisation of the ARS function should be maintained.

DE reminded the meeting that the registration of vehicles is not the only purpose of the registers. If there were more than one register, this would increase the possibility of mistakes, which should be avoided. He agreed with CH that the decentralised ARS function needed to be maintained.

The **Chairman** noted the developments with regard to the registers.

b) Noise abatement policy

Mr Marcin **WÓJCIK** of the **EC** informed the meeting about the status of developments in the EU on noise abatement. He reminded the meeting about the Commission’s staff working document³, according to which replacing cast iron brake blocks with composite brake blocks was deemed to be the most efficient way of significantly reducing the noise generated by freight wagons. He also reminded the meeting that following the EC’s request to revise NOI TSI with the aim of extending its application to existing wagons, ERA had set up a Task Force (TF) on the applicability of NOI TSI to existing wagons. During its work, the TF accepted the OTIF Secretariat’s arguments and reasoning concerning COTIF and had included in its report a possible new strategy for noise abatement - “quieter routes of the network”⁴, which means parts of the railway network where only wagons complying with NOI TSI can be operated. The TF had finished its work in May 2017 by submitting the report to the EC. Afterwards, two workshops were organised by ERA on the “quieter routes of the network”. The requirements for “quieter routes of the network” will be further discussed in the working party on noise, which first meeting is planned for 18 October 2017. Mr Wójcik informed the meeting that the report of the TF, the EC’s delegated act for the

³ Explained in detail in WG TECH 28, item 13a, page 11, 16-17 February 2016, Bern

⁴ The TF report proposed the following two implementation strategies:

- mandatory retrofitting of the wagons, first for international traffic, and then for national, and
- “quieter routes of the network”

revision of the TSIs, the EC's request to ERA on the revision of the TSIs and the conclusions of the workshops⁵ would be the basis for the working party on noise. Lastly, he informed the meeting about the working party's time planning, which would conclude in the first quarter 2018 with the submission of ERA's recommendation to the EC.

The **Chairman** thanked Mr Wójcik for his presentation on the noise abatement policy in the EU and noted that the focus within the EU was now to define the common requirements for "quieter routes of the network" and opened the discussion.

With regard to the Chairman's question whether these requirements would be included in NOI TSI, thus affecting equivalence with the UTP NOI, the **representative of the EC** (Marcin Wójcik) confirmed this and said that the silent routes would also be included in the RINF specification, in a second step

The **Secretariat** welcomed the EC's approach, which is in accordance with the OTIF Secretariat analysis⁶ and poses no legal problems from the COTIF perspective. In its view, the non-EU OTIF CS could also benefit if these quieter route requirements were to be introduced into UTP. However, these requirements would probably not take the form of binding rules in COTIF, but of recommendations applicable if CSs decide to have silent routes.

With regard to the Secretariat's request for the Commission's view on CH's and DE's legal initiatives on banning noisy wagons, the **representative of the EC** (Marcin Wójcik) stated that in principle, the EC is not in favour of unilateral measures carried out by its MS. Unilateral measures might affect interoperability and the principle of the EU's single market and could result in a reverse modal shift from rail to road. The EC acknowledged efforts made by CH and DE to tackle noise issues, but also encouraged them to align their policy with the EU. With regard to CH's legal initiative, the EC expected that it could be postponed for two years than originally planned, i.e. until 2022. With regard to DE, its measures had been notified to the EC as a market measure. He informed the meeting that the EC did not yet have an official position on this initiative, but the EC believed that DE's measures should also be checked against the Interoperability Directive. Although this initiative did not prescribe the banning of all the noisy wagons, in practical terms it would be almost impossible to operate them in Germany.

The **Chairman** noted developments with regard to the noise abatement policy.

c) ECM Regulation

Mr Jean-Marie **DECHAMPS** of **ERA** informed the meeting about the status of the revision of the ECM Regulation⁷. After receiving a mandate from the EC, ERA had set up a working party to revise the ECM Regulation which the OTIF Secretariat attends. The working party had to do the following:

- Examine the feasibility of extending the scope of the certification of the ECM to all vehicles⁸,
- Examine the feasibility of extending the scope of the certification of maintenance workshops to all vehicles,
- Identify common mandatory principles for the maintenance of the safety critical components (SCC),
- Examine the feasibility of the certification of entities and workshops specialised in the maintenance of SCC,

⁵ ERA's dedicated workshops for the EU MS on quieter routes: the first was held on 20 June 2017 and the second will be on 19 September 2017

⁶ WG TECH 30, item 9a, page 11, 16-17 November 2016, Bern

⁷ The certification process for ECMs for freight wagons in COTIF is governed by ATMF Annex A, which, since 1 May 2012, is fully equivalent with the EU's ECM Regulation 445/2011

⁸ Each vehicle used internationally (not only freight wagons) in the scope of COTIF must have an ECM assigned to it. Currently, only the ECMs for freight wagons must be certified in accordance with the ECM regulation.

- Amend the ECM Regulation to ensure better understanding and avoid risks of confusion, and
- Propose revision of Articles 1,2,6,9 and 12 and of the annexes to the ECM Regulation.

He also informed the meeting about the working party's time planning, separated into three phases:

- Preliminary phase (1 September 2016 – May 2017), in which the application of the EU and national regulations were elaborated and the definition of the safety critical components had been drafted
- Second phase (May 2017 – May 2018), in which ERA's working party would prepare a recommendation to the EC, including draft of the Implementing Act, explanatory note, guide and impact assessment
- Third phase (May 2018 – June 2019), in which the revision of the ECM accreditation scheme would be prepared, provided the EC adopts the implementing act.

Mr Dechamps also informed the meeting that one subject under discussion was whether the certification of ECMs for all types of vehicles should be introduced and if so, whether this should be on a voluntary or mandatory basis. He announced that the draft revised ECM Regulation would be open for comments from 2 October 2017. Lastly, after introducing the draft definition on safety critical components (SCC), he explained the process which would lead to defining the maintenance principles for SCCs as well.

With regard to the clarification requested by DE on how the NSAs must organise “more complicated and harmonised control/supervision in case of no certification” (the wording used in the presentation), especially in the case of supervision of the locomotive leasing companies, **ERA** (Jean-Marie Dechamps) explained that the obligation of the NSAs for supervision had been introduced under the fourth railway package in Article 17 of Directive 2016/798 and that this topic would be further discussed at the next, second working party meeting planned for 25-26 October 2017.

In his response to the CER's question on the maintenance principles for safety critical components and on whether the keepers are also involved in the process of cooperation, he explained that ,at this time, only the RUs, manufacturers and ECMs had been included, as all of them, in practical terms, are the ‘technical’ players. However, as keepers assign ECMs, they may also have an indirect role on ECMs contribution to the work. ERA would reflect on including the keepers in future ECM amendments.

DE was of the view that even though extending the scope of ECM certification might create additional bureaucracy, it was helpful for small RUs with few staff that might therefore be facing difficulties with regard to organising themselves as ECM. Therefore, the main goal of extending the scope of the ECM Regulation was not to improve safety.

ERA (Jean-Marie Dechamps) informed the meeting that mandatory ECM certification for all vehicles could not be justified in several scenarios/cases. These cases would therefore be considered in the proposed implementing act that ERA would recommend to the EC on the basis of the results of the impact assessment. Furthermore, he also explained that, at the end of the process, the EC would decide in its implementing act whether or not ECM certification would be mandatory for all vehicles.

The **Secretariat** reminded the meeting that it had published a position paper on this subject⁹. In its view, the cost of setting up an ECM scheme for vehicles other than freight wagons was likely to be higher per unit/vehicle outside the EU than it would be inside the EU. It also explained that ECM certification for passenger coaches used internationally would be justified from a conceptual point of view. However, the number of coaches used internationally is much smaller than the number of freight wagons. Furthermore, as long as there is no indication that there is a safety problem, the OTIF Secretariat suggested that ECM certification should remain voluntary, at least in COTIF for passenger coaches, locomotives or train sets.

On behalf of WG TECH, the **Chairman** thanked Mr Dechamps for his presentation on the revision of the ECM Regulation and noted the latest developments in this regard.

⁹ WG TECH 29, Annex III, page 26, 7-8 September 2016, Lille

d) LOC&PAS and WAG TSIs

Mr Andreas **SCHIRMER** of **ERA** introduced the meeting to the legal basis for the limited revision of the LOC&PAS TSI and WAG TSI. The reason behind this revision was the modification of the content of each TSI by adding:

- the provisions applicable to the existing subsystems and vehicles, in case of upgrade or renewal and
- the parameters of the vehicles and fixed subsystems to be checked by the RU and the procedures to be applied to check those parameters;
- provisions to close the open points,
- provisions that facilitate passenger access to coaches and, lastly,
- provisions that would increase flexibility and efficiency in train composition and the development of intermodal transport.

To deal with all these subjects, ERA had set up a working party for limited revision of TSI LOC&PAS and TSI WAG. The working party would be supported by four working party's subgroups with specific scopes assigned to each of them. Mr Schirmer also explained the working party's time planning, which would start with the first meeting of the working party on 26 September 2017, and that the work would be carried out in the following two subsequent steps:

- First step, which would conclude with the submission of ERA's recommendations to the EC by December 2018 and publication of the application guides by February 2019,
- Second step, which would conclude with the submission of ERA's recommendations to the EC by December 2019 and publication of the application guides by February 2020.

CER expressed its concern that this time planning (2018, 2019 and 2020) was too ambitious and that it would create difficulties for the sector in terms of managing and implementing all the changes envisaged. He informed the meeting that these concerns had also been expressed in the Group of Representative Bodies (GRB) letter¹⁰ which had been forwarded to the EC.

The **representative of the EC** (Keir Fitch) agreed that this subject was sensitive and confirmed receipt of the GRB letter, which was very much appreciated. He confirmed that the EC would discuss this issue with ERA and after it had been evaluated, the EC would inform stakeholders which documents were urgent and which could be postponed. Notwithstanding the evaluation, he reminded the meeting that the first approaching deadline was June 2019.

DE supported CER and, bearing in mind the EU procedures, wondered whether there would be sufficient time for the relevant EC decision that needed to be taken by June 2019 after the submission of ERA's recommendation in December 2018. With regard to the evaluation referred to, DE suggested that it might be wise to separate topics related to ERA's jurisdiction on one hand and topics affecting manufacturers and keepers on the other. For the latter, it was very important to clarify when the transition phase would be started in order to allow them sufficient time for (their) necessary planning.

UNIFE agreed with DE and noted that the industry would like to have clear provisions and a predictable environment that avoids repeated revisions of the relevant legislation which, in practical terms, would also be hard to follow.

ERA (Richard Lockett) informed the meeting that preparation of the 14 implementing acts and four TSIs had already started within the EU. In his view, some of the problems might be solved in each working party. He also noted that although the agenda had to be achieved fairly rapidly, there were several

¹⁰ The Group of Representative Bodies (GRB), GRB call to reconsider the timetable for TSI LOC&PAS and TSI WAG revisions 2018-2020, Brussels, 12 September 2017

constraints: ERA's limited resources, which made it impossible to do everything at once, then all the proposals would have to be discussed within the MS, and finally, it would be necessary to provide the maximum amount of certainty possible.

FR agreed with **DE** and shared its concerns that all the parameters would be in place and applicable before June 2019. **FR** wondered whether the NSAs would have enough time to prepare themselves to implement all the amendments to the legislation in their work.

He also requested clarification, bearing in mind that this would have an impact on the modifications being envisaged.

With regard to the clarification requested by **FR** of the term "area of use", **ERA** (Richard Lockett) explained that it had two meanings, one for the authorisation of the vehicle and the other for the authorisation of products.

On behalf of **WG TECH**, the **Chairman** thanked Mr Schirmer for his presentation and noted that **WG TECH** would closely monitor developments in the EU.

8. IMPLEMENTATION STATUS OF THE EUROPEAN UNION'S FOURTH RAILWAY PACKAGE (PRESENTATION BY DG MOVE)

The **representative of the EC** (Keir Fitch) informed the meeting about the subjects that had been and would be discussed and voted on in the EU at RISC meetings. The following subject would be dealt with in the next period of RISC meetings: vehicle authorisation package and discussion regarding the amendments to WAG TSI, PRM TSI and ENE TSI (to be discussed at RISC 80), followed by the ERTMS trackside approval, as a new task for ERA, and updating the TAF/TAP TSIs (at RISC 81), and lastly, a formal opinion on EVR and CCS (at RISC 82). In addition, the RISC would discuss the level of fees and charges for services provided by ERA. With regard to vehicle authorisation, which would be discussed at RISC 80, ERA had sent its proposal to the EC and discussions were ongoing within the EU MS and among stakeholders. The proposed text might be modified, if necessary.

The **Secretariat** welcomed this explanation of developments in the EU. It wondered whether there would be any differences between the vehicle authorisation under EU and COTIF which might affect international traffic. In its view, international traffic between EU and non-EU OTIF CS, as well as between the non-EU OTIF CSs, was governed by COTIF. It also wondered about the competences of the NSAs with regard to vehicle authorisation after the competencies have been transferred to ERA, i.e. who would be the competent authority for EU OTIF CSs?

DE requested clarification on how the EU, in the scope of the new vehicle authorisation process, would consider traffic between non-EU and one EU OTIF CS, e.g. between Switzerland and Germany, for example, and would it be interpreted as national or international traffic? **ERA** (Richard Lockett) explained that from an EU perspective this might be considered as national traffic, meaning that the NSA of the EU OTIF CS may be in charge of authorisation. In other words, the NSAs would need to retain the processes they had, as they might also be asked for additional authorisations.

In response to the **Chairman's** question as to whether there are persons or a group that deals with topics related to so-called third countries, the **representative of the EC** (Keir Fitch) confirmed that there were several people who dealt with this, e.g. ERA and the legal issues and enforcement unit of DG MOVE (A.4). Furthermore, with regard to UNIFE's request for clarification on specific questions about the process of authorisation and to whom it should be addressed, he explained that requests for interpretation of EU legal provisions should be addressed to the EC, but also suggested sending a copy to ERA. In addition, he informed the meeting that the EC was expecting numerous questions in this regard and that all of them would be subsequently discussed at the relevant meetings, such as the meeting in the following week on 19-23 September.

The **Chairman** noted the progress achieved so far and that the EC would keep **WG TECH** and **CTE** informed.

9. DRAFT CROSS REFERENCE TABLE “EU” AND “OTIF” TERMINOLOGY

Document: [TECH-17023](#) Cross reference table of correspondence between COTIF and EU terminology

The **Secretariat** had prepared draft working document TECH-17023, the purpose of which was to help those who work with COTIF and EU law in the field of vehicle admission and maintenance processes. The idea of a table of correspondence was introduced by the EC when analysing the impact of the fourth railway package on COTIF (WG TECH 30, 16-17 November 2016). The Secretariat reminded the meeting that the technical requirements for rolling stock applicable in OTIF and the EU are fully equivalent. However, the objectives and scope of COTIF and EU law differ, i.e. they are not identical. Therefore, the terminology table listed several different terms and their meanings. It also reminded the meeting that this was a draft working document of OTIF’s CTE working group WG TECH, which would be further analysed and improved.

ERA welcomed the creation of the cross-reference table and said it would be useful to publish it on ERA’s website.

FR suggested that the table should also include the latest discussions and decisions following the RISC meetings.

The **Chairman** thanked Mr Nešić for the introduction to the document and noted that WG TECH welcomed the document, which provided useful information for all of OTIF’s CS. He also noted that the table would be updated regularly and would be published on ERA’s website.

10. EU - OTIF EQUIVALENCE TABLE

Document [TECH-17030](#) Equivalence table EU/OTIF regulations

The **Secretariat** informed the meeting about recent developments on both sides of the EU-OTIF equivalence table. It informed the meeting that the following had been added:

1. The UTP TAF Uniform Technical Prescriptions - Recommendation Applicable to telematics application for freight service (adoption of a new UTP)
2. The UTP GEN-A Uniform Technical Prescriptions - General Provisions, Essential Requirements (modification of the UTP in force since 1.1.2015)
3. The UTP GEN-B Uniform Technical Prescriptions - General Provisions, Subsystems (modification of the UTP in force since 1.5.2012)
4. The UTP GEN-C Uniform Technical Prescriptions - General Provisions, Technical File (modification of the UTP in force since 1.1.2015).

The **Chairman** noted the information on the updated version of the equivalence table and asked WG TECH members to give the OTIF Secretariat adequate and timely feedback, if necessary.

11. NEXT SESSIONS

The 33rd session of WG TECH will be held on 5 and 6 December 2017 in Bern

The 34th session of WG TECH will be held on 6 and 7 February 2018 in Belgrade

The 11th session of the Committee of Technical Experts will be held on 12 and 13 June 2018 in Bern.

12. ANY OTHER BUSINESS

None.

CLOSING REMARKS:


As this was the last OTIF meeting that Mr Patrizio Grillo (EC) would attend, Mr Roland Bacher, as the Chairman of WG TECH, thanked him for his very useful and productive cooperation, especially for the work and cooperation he had provided in the period when mediation between OTIF and the EU had been underway. The Chairman noted that Mr. Grillo had been one of the few who had been involved in the development of APTU and ATMF. The Chairman wished Mr Grillo all the best for the future.

As this was also the last OTIF meeting that Mr Canisius Gassa (FR) would attend, Mr Roland Bacher, as the Chairman of WG TECH, thanked him for his helpful and productive cooperation and wished him all the best for the future.

The **Chairman** thanked all the participants for the productive discussion, the OTIF Secretariat for preparing all the documents on time, the European Commission for its excellent hosting, and closed the 32nd WG TECH meeting.


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Approved Agenda

Annex II

1. Approval of the agenda
2. General information from the OTIF Secretariat
3. Election of the chair
4. Approval of the minutes of the 31st session of WG TECH
5. Analyses for discussion:
 - a) UTP GEN-A: analysis of the relevance of the difference between the EU and COTIF provisions (two-column layout) concerning fixed installations
 - b) UTP GEN-B: analysis of the relevance of the difference between the EU and COTIF provisions (two-column layout) concerning fixed installations
 - c) Analysis of the relevance of the difference between the EU and COTIF provisions concerning the mandatory or optional use of declarations of verification
 - d) Analysis of possibilities for the urgent modification of the UTP if there are safety-relevant omissions or errors in the UTP
6. UTP TAF: practical arrangements with the EU Agency for Railways so that the non-EU Member States of OTIF that apply the UTP TAF can be involved in the development of the IT provisions related to the UTP TAF
7. Developments in EU regulations which may affect equivalence with COTIF and discussion on next step (presentations by ERA or DG MOVE)
 - a) Vehicle Register
 - b) ECM Regulation
 - c) Noise abatement policy
 - d) LOC&PAS TSI
8. Implementation status of the European Union's fourth railway package (presentation by DG MOVE)
9. Draft cross reference table "EU" - and "OTIF" terminology
10. EU-OTIF equivalence table
11. Next sessions
12. Any other business

Annex III

The general roadmap for the development of new technical regulations (as endorsed in 2015 by CTE 8)

development of COTIF under APTU/ATMF

