



Organisation intergouvernementale pour les
transports internationaux ferroviaires

Zwischenstaatliche Organisation für den
internationalen Eisenbahnverkehr

Intergovernmental Organisation for
International Carriage by Rail

WG TECH

38th Session

Minutes

Bern, 11-12.9.2019

WG TECH 38 SUMMARY

- 1. The agenda as submitted in document TECH-19016 dated 2.7.2019 was adopted.**
- 2. The Secretariat presented the latest developments in OTIF.**
- 3. Switzerland, in the shape of Mr Christophe Le Borgne, was elected to chair the session.**
- 4. The minutes of the 37th session of WG TECH were approved.**
- 5. Discussion and draft proposals for modification:**
 - a. Draft revised UTP NOI (TECH-19013, dated 7.8.2019)
 - The template table for identification of quieter routes in Appendix D should be removed, as it was based on the RINF data structure, which is available under EU law but not under COTIF. Instead of using the template table, Contracting States should make information on quieter routes available upon request;
 - With regard to quieter routes, RUs need to have the information in advance in order to plan their business. The UTP should therefore reflect this;
 - In order to align with Swiss law, Switzerland announced that it would propose particular implementing rules for section 7.4.
 - b. Draft revised UTP WAG (TECH-19014, dated 7.8.2019)
 - Points 6.1.2.3 and 6.1.2.4 included the texts of an ERA Technical Opinion to allow for innovative solutions for wheels and wheelsets;
 - The assessment and mutual acceptance of interoperability constituents (IC) should be clarified to reflect the particular situation in COTIF compared to EU law;
 - Provisions related to route compatibility checks, including the list of relevant parameters, should be added;
 - Switzerland requested that cant deficiency values should remain mandatory for GE wagons. This also required modification of the TSI at EU level. ERA would propose additional wording for Appendix C, possibly in the form of a Technical Opinion.
 - c. Draft revised UTP Marking (TECH-19017, dated 7.8.2019)
 - The tables and footnotes related to digits 1 and 2 of the vehicle number (pages 17 and 18) were modified;
 - The categorisation of rail/road vehicles in Section 16 (page 26) was discussed. ERA would provide feedback.
 - d. Draft revised Vehicle Register Specification (TECH-19020, dated 7.8.2019)
 - The OTIF Secretariat reported on the results of the OTIF questionnaire on NVRs, which suggested a preference for maintaining the possibility of national registers in addition to the possibility of using a central register;
 - The European Commission expressed its views on the future of vehicle registers and concluded that one central vehicle register would be the most efficient option;
 - There was no consensus on the proposed text;
 - It was agreed to draft a lighter version of the proposed text built primarily around Annex I on the data specifications;
 - Proposals concerning the connections and exchange of data could be dealt with as a next step.
 - e. Draft revised ECM (TECH-19018, dated 7.8.2019)
 - The subject and scope should be clarified; in particular, for which kinds of ECMs certification would be mandatory.
 - f. Draft revised Rules of Procedure for the Committee of Technical Experts (TECH-19015, dated 7.8.2019)

- It should be clarified that although the EU can vote on behalf of its members, it does not have a vote itself;
- The provisional agenda should indicate items dealing with legislative proposals.

6. Developments in EU regulations that are of relevance to COTIF (presented by ERA and DG MOVE):

- DG MOVE presented the revised process for modification of TSIs;
- In future modifications would be discussed and developed per topic, including when the topic concerns several TSIs;
- A Change Control Management process would be established to revise TSIs periodically (3 to 5 years);
- DG MOVE and ERA were asked to add an additional step in their processes in which compatibility with COTIF would be systematically checked.

7. The cross reference table of EU and OTIF terminology was reviewed.

8. The EU-OTIF equivalence table was updated and reviewed.

9. Any other business:

a) The scope of OTIF/EU mutual recognition of ECM certification and other bodies

GB presented TECH-19023 published on 29.8.2019 with the aim of clarifying the scope of OTIF/EU mutual recognition of ECM certification and other bodies.

10. Next session: Brussels, 19 and 20 November 2019, hosted by DG MOVE.

DISCUSSION

Welcome by the OTIF Secretariat

Mr Bas Leermakers (head of OTIF's technical interoperability department) welcomed all the participants ([List of participants Annex I](#)).

1. APPROVAL OF THE AGENDA

GB proposed that agenda item 9a “*The scope of OTIF/EU mutual recognition of ECM certification and other bodies*” be discussed after item 5e (draft revised ECM).

WG TECH adopted the agenda for the 38th session as proposed ([Annex II](#)).

2. GENERAL INFORMATION FROM THE OTIF SECRETARIAT

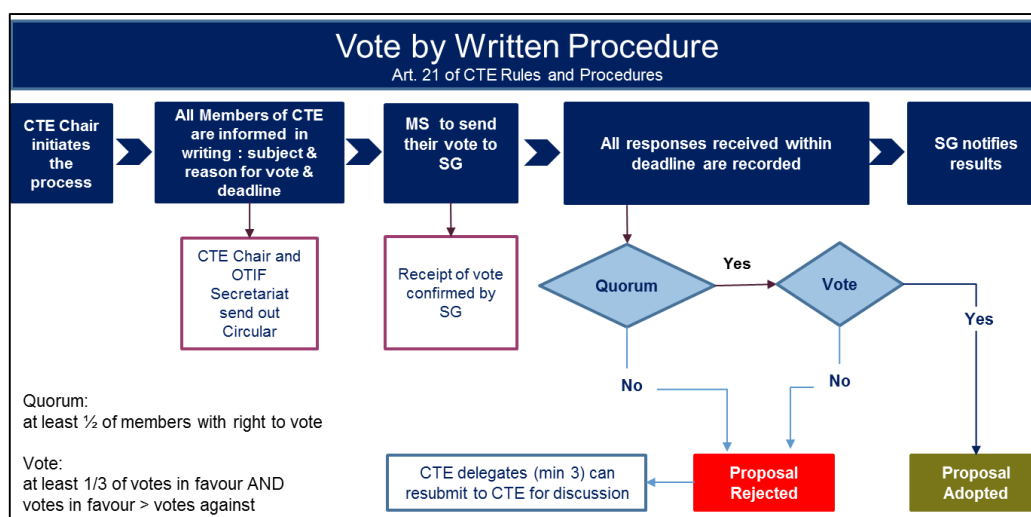
The **Secretariat** presented developments since the 37th WG TECH (see also presentation)

The Secretariat also reported on the results and decisions of CTE 12, including the mandate that was given to WG TECH to draft proposals related to Vehicle Registers and their connectivity, Rules of Procedure for the CTE and launching a vote by written procedure to modify the NVR Specification and Appendix 1 to the UTP TAF.

With regard to the status of the vote by written procedure, the Secretariat reminded the meeting of the following planning:

- 21 August 2019 – CTE Chair and OTIF Secretariat sent the circular letter to the Member States;
- 30 November 2019 – deadline for those Member States who are entitled to vote to submit their vote to the Secretary General;
- by the end of 2019 – the results to be notified to the members of the CTE;
- 1 June 2020 – the modified NVR Specification and Appendix 1 to the UTP TAF would enter into force if the result of the vote were positive.

Diagram 1. Status of the vote by written procedure – How it works



The Secretariat also reminded the meeting that the proposals and information about the process are also available on OTIF's website: *Activities => Technical Interoperability => Voting Using the Written Procedure*.

The **representative of the EC** (hereinafter referred to as the **EC**) informed the meeting that the Council of the European Union would soon take a formal decision, which would allow the European Union to vote by the required deadline.

3. ELECTION OF CHAIR

The **Secretariat** nominated Switzerland, in the shape of Mr Christophe Le Borgne, as chair of the WG TECH 38 meeting. There were no additional proposals. Mr Le Borgne accepted the nomination and WG TECH unanimously elected Mr Christophe Le Borgne to chair this session.

The **Chair** thanked WG TECH for the trust it had placed in him. He reminded the meeting that CTE 12 had decided that legislative proposals for a vote at CTE should be published four months prior to the next CTE session. This meant that all proposals under item 5 should be subject to final review by the WG TECH's 39th meeting in November, so that they could be voted on at CTE 13 in June 2020.

4. APPROVAL OF THE MINUTES OF THE 37TH SESSION OF WG TECH

Document: [WGT 37 PVM](#) Provisional Minutes of the 37th session

The **Secretariat** informed the meeting that the provisional minutes were sent to the delegates who attended the 37th Session of the WG TECH on 15 May 2019. Comments were received from ERA. The Secretariat uploaded an updated version of the provisional minutes with the comments received before 7 August 2019.

The **Chair** concluded that if there were no further comments at the meeting, that the minutes of the 37th session of WG TECH, as amended according to comments received before the meeting, were approved.

5. DISCUSSION AND DRAFT PROPOSALS FOR MODIFICATION

a. Draft revised UTP NOI

Documents: [TECH-19013](#) Draft for discussion (version 1, dated 7.8.2019)

The **Secretariat** introduced draft working document TECH-19013 and presented the context, background and the basis of the draft revision of UTP NOI. The main changes deal with the question of using existing noisy wagons that do not comply with NOI UTP. The draft text included the following modifications, which are also shown in track changes:

- Introduction of the term “quieter route” and specific rules for the operation of wagons on these quieter routes (Chapter 4.4);
- Non-EU CS may decide, following their national noise policy, whether or not to designate quieter routes and which criteria to use for designating quieter routes (new Appendix D);
- Additional principles to assist states in the application of the UTP to existing subsystems (Chapter 7.2);
- List of ‘historic’ composite brake blocks, which, when fitted to a wagon, make the wagon compatible with quieter routes (new Appendix E);
- The assessment of the acoustic performance of a brake block remained an open point.

UIP and **RS** were of the view that the list of quieter routes should be identified and made public as soon as possible or well in advance and within a given time period.

CER suggested a modification in section 4.4 to use the wording “noise environmental reasons” instead of “acoustic reasons”.

ERA pointed out that at EU level the criteria to define quieter routes are harmonised and obligatory.

The **Secretariat** was of the view that under COTIF it was not possible to impose mandatory criteria for defining quieter routes as this was a matter for the domestic noise policy of each state.

The meeting had a general question on the interpretation of “*Unique section ID.*” **ERA** explained that the Unique ID is a way to identify a section in the EU’s Register of Infrastructure (RINF). The **Secretariat** pointed out that the *unique section ID* does not exist at COTIF level, nor does the concept of RINF. However, the CS should be required to ensure that the list of quieter routes opened for international traffic is publicly available in a format allowing further processing by the users. To avoid an undue administrative burden, the **Secretariat** was also of the view that if there are no quieter routes in a CS, publication of the list should not be required. If the whole network were designated as quieter routes, then the CS should list that as a specific case.

NB Rail and **GB** were of the view that it would be sufficient just to have publicly available an accurate list of stations and quieter routes, although the usage of the *unique section ID* would be of benefit to the sector.

NB Rail, **UIP** and **RS** asked how information on quieter routes would be made available and whether CS would use maps or tables, and whether OTIF and ERA would publish this on their websites. Furthermore, they wondered how ERA would provide this information for all CS of the EU.

The **Secretariat** explained that it could publish the links provided by the CS on the OTIF website. In the draft UTP, it proposed to delete the table initially proposed and to give the CS the choice of whether to provide a map or table.

DE suggested including an amendment record at the beginning of the document, in which case, all the changes could be easily followed. This suggestion was accepted.

CH highlighted that the proposed deadline of 8 December 2024 (in section 7.2.2) would not be acceptable to Switzerland. Swiss national law prescribed that noisy wagons would be banned from Switzerland from 2020. Therefore, the quieter routes should be applied in Switzerland without any delay in the entry into force of the revised UTP. CH would send its text proposals to the Secretariat.

ERA informed the meeting that NSA CH had a very active role in drafting the TSI Noise, including the text concerning quieter routes and the corresponding deadlines. ERA was of the view that the Swiss implementation of quieter routes should follow the principles agreed during the TSI drafting process.

The Chair concluded this item as follows:

- All the proposed modifications were made in track changes and shown on the screen (Sections 4.4, 7.2.2, 7.4 and Appendix D);
- The template table for identification of quieter routes in Appendix D should be removed;
- WG TECH 38 agreed the text to reflect the option for the Contracting States to make information on quieter routes available; if there are no quieter routes in the OTIF CS, or if all lines open to international traffic are quieter routes, publication of the list and maps should not be required;
- UTP should include provisions ensuring that the information on quieter routes is made available well in advance;
- With regard to specific cases, Switzerland confirmed that it would propose wording under particular implementing rules for section 7.4;
- Delegates were invited to send any further text proposals to the Secretariat;
- The OTIF Secretariat would prepare a new version of the draft UTP for the next WG TECH meeting.

b. Draft revised UTP WAG

Documents: [TECH-19014](#)

Draft for discussion (version 1, dated 7.8.2019)

The **Secretariat** presented the draft working document TECH-19014. The main modifications were in track changes and were summarised as follows:

- Further clarification and improvements to some requirements for the units (4.2.2.2 and 4.2.3.4);
 - Introduction of the requirements for *automatic variable gauge systems* (4.2.3.6.6 and 5.3.4b);
 - Operational and maintenance rules to improve consistency between EU and OTIF provisions (4.4 and 4.5);
 - Introduction of the term *route compatibility checks*; CS must ensure that procedures for route compatibility checks are in place (Chapter 4.9);
 - Updating the references to EU legal documents, EN standards, UIC leaflets and ERA technical documents;
 - Further clarified procedures and requirements for conformity assessment and verification, including a text proposal based on an ERA Technical Opinion (Chapter 6/6.1.2.4);
 - Pointed out the change in point 6.1.2. which concerns the alternative assessment procedure applicable to wheelsets, wheels and axles. This was the first time that the texts of ERA's technical opinions had been used in drafting UTP;
- Post-meeting note from ERA: the Technical Opinion in points 6.1.2.3 and 6.1.2.4 has already been drafted by ERA and sent to the European Commission. It will be discussed in the EU at RISC 86 in November 2019.*
- Added principles to be applied by the entity managing the changes to an existing unit or an existing unit type (Chapter 7.2);
 - Deletion of Appendices A, B, J, K, L, M and N;
 - An update of the parameters which define the interface between trains and train detection systems (Appendix H);
 - Specific cases;
 - Recommended deadline for reaching the target system was modified to 31.12.2025.

The meeting discussed the following subjects in more detail:

Technical Opinions provided by ERA as the EU Competent Authority

ERA explained that technical opinions provide specialised expertise with a solution for some railway issues, including open points. The technical opinions would be used in future amendments to the relevant TSIs or in EU Recommendations for modification of the relevant EU legal documents.

The **EC** confirmed that the discussion concerning the future revision process for modification of the relevant EU legal documents is ongoing within the EU. More details about this process would be provided under agenda item 6.

The **Secretariat** explained that the ERA Technical Opinions did not have legal effect in the scope of COTIF. However, they could be used as input to modification of the UTP, which, when adopted would have a legal value.

Interoperability Constituents (also referred to as Elements of Construction)

RS suggested caution when defining the usage of the interoperability constituents (IC) assessed separately from the subsystem or as part of the subsystem. He proposed deleting the wording "1 January 2014" in point 6.3, which concerned the deadline after which a non-certified IC may not be incorporated within the subsystem.

The **Secretariat** confirmed that the assessment of ICs separate from the subsystem is not mandatory under COTIF, unless required by a CS. ICs could, therefore, either be assessed separately or as an integrated component together with the vehicle. It suggested that section 0 be redrafted for the next meeting.

With regard to point 6.3, **NB Rail** reminded the meeting that, within the scope of EU law, an IC is a product that could be manufactured and sold independently on the market. Separate assessment facilitated replacing/exchanging one IC with another IC during the lifetime of a vehicle. The concept was therefore not only relevant for purposes of market opening, but also for maintenance.

UIP wondered if the substitution permutation table (table 11) in section 7.2.1 could facilitate the discussion, as it defined how to deal with the non-certified ICs when substituting integrated ICs.

In support of NB Rail **ERA** agreed that table 11 was in particular relevant for ECMs, rather than Competent Authorities or NoBos.

The **Secretariat** agreed with NB Rail and proposed either to redraft the texts concerned or to delete them. It would make proposals for the next meeting.

List of route compatibility parameters

RS was of the view that it was necessary to list the parameters of the vehicles to be checked to ensure the compatibility between vehicles and the routes on which they are to be operated. It proposed adding a new appendix to this UTP where the list of these parameters would be provided.

The **Secretariat** agreed and proposed that the appropriate way of making available the list of parameter should be discussed at the next meeting.

Issue raised by Switzerland regarding cant deficiency

CH noted that for GE wagons, Appendix C of the new WAG TSI (voted on in January 2019 by the EU) refers to the 2016 edition of standard EN 14363 concerning cant deficiency as a voluntary parameter, as opposed to the previous version of the EN standard in which cant deficiency (130 mm) was a mandatory parameter. Cant deficiency is the ability of rail vehicles to run into curves (the higher the cant deficiency, the higher the vehicle speed). In CH, IMs expect GE wagons to be designed and approved for a 120 km/h maximum running speed and 130 mm cant deficiency. If wagons cannot run at maximum speed, the capacity of the CH network would be compromised. This would be unacceptable, as CH had invested heavily in the capacity of its network. Meanwhile, safety could be jeopardised if cant deficiency were no longer specified for GE wagons. In that case, wagons with GE marking and a lower cant deficiency than 130 mm could inadvertently be operated at higher speeds in curves, hence increasing the risk of flange climbing and derailment. Switzerland had already presented the issue to ERA and proposed to WG TECH to solve the problem in the UTP WAG.

CER supported the proposal and confirmed that the issue of cant deficiency is not only a problem for CH, but also for countries in the EU.

UIP supported the proposal and informed the meeting that in reality, wagons are currently still tested against the required parameters on cant deficiency.

ERA informed the meeting that this issue had been discussed at European level in May 2019 and that it had decided to draft an ERA Technical Opinion, which could later be taken over in Appendix C of the WAG TSI.

Post -meeting note from ERA: the Technical Opinion concerned here should be ready for the first RISC meeting in 2020.

The **Secretariat** took note of the remarks and ERA's way forward. Considering the timing needed for ERA to submit its Technical Opinion, and the timing for the adoption of the draft text of the UTP WAG by the CTE, the Secretariat proposed to keep the mandatory value for cant deficiency in the UTP.

The **Chair** concluded this item by instructing the OTIF Secretariat to submit a new draft proposal to the next WG TECH 39th meeting with the following considerations:

- 6.1.2.3 and 6.1.2.4 to include texts of an ERA Technical Opinion;
- The assessment and mutual acceptance of interoperability constituents (IC) should be clarified;

- Provisions related to route compatibility checks, including the list of relevant parameters, should be added;
- The proposal of additional wording on the requirement for cant deficiency for GE wagons under Appendix C, in coordination with the CH.

c. Draft revised UTP Marking

Document: [TECH-19017](#)

Draft for discussion (version 1, dated 7.8.2019)

The **Secretariat** presented draft working document TECH-19017. It reminded the meeting that the UTP Marking does not have an equivalent single TSI at EU level, as these provisions are reflected in the EU OPE TSI and EU NVR Decision. The draft included the following modifications:

- Further clarification of the process of assigning unique vehicle number EVN (Chapter 1);
- Further clarification and improvements to the requirements for VKM (Chapter 8);
- Updating the references to EU legal documents and ERA technical documents (throughout the UTP);
- Editorial corrections and improvements to increase the accuracy of the text (throughout the UTP).

ERA suggested new editorial changes concerning index letters “s” and “ss” in all categories of vehicles (on pages 27 and 45).

UIC proposed new editorial changes in the table in Section 11 concerning PGW agreement (inside the OSJD States) on page 17.

RS suggested that footnote b) of the tables in Sections 11 and 12 should remain and be improved to include RIC and RIV vehicles. Furthermore, RS requested a clearer definition of categories 1 to 4 of rail/road machines in the table *Type and sub-type of special vehicles (digits 7-8)* on page 26. Standards: EN 14033-1:2017-10 and EN 15746-1:2016-02¹ could be used as a reference for this clarification.

The **Secretariat** explained that the text had been amended in order to maintain equivalence between the COTIF and EU provisions.

ERA agreed to provide feedback for the next WG TECH 39 concerning footnote b) and the clarification requested by RS.

The **Chair** concluded this item as follows:

- The Secretariat would make editorial modifications for the next meeting;
- ERA would provide feedback on the footnotes in Sections 11 and 12 (pages 17 and 18) and to define and explain the categorisation of rail/road vehicles in Section 16 (page 26).

d. Draft revised Vehicle Register Specification

Document: [TECH-19020](#)

Draft for discussion (version 1, dated 7.8.2019)

The **Secretariat** presented draft working document TECH-19020. It reminded the meeting of the background leading to this document. It also reported on the results of the questionnaire on the establishment and connectivity of NVRs, which was sent out to non-EU CSs on 5 July 2019.

The preliminary results of the questionnaire showed that CS saw benefits in using a centralised register, but the national registers should remain the norm with the possibility of connecting them.

¹ EN 14033-1:2017-10 – Railway applications. Track. Railbound construction and maintenance machines. Technical requirements for running

EN 15746-1:2016-02 – Railway applications. Track. Road-rail machines and associated equipment - Part 1: Technical requirements for running and working

Table 1. Preliminary results of the questionnaire

Questions to Non-EU CS	Responders
1 Number of CS with Vehicle Register in accordance with Art13 of the ATMF and NVR Specifications	6
2 Number of CS using the NVR software by ERA	5
3 Number of CS connected to ECVVR only	4*
4 Number of CS with preference to have both international and domestic vehicles in one register	7
5 Number of CS choosing the possibility of joining a central register, but national registers should remain the norm. (Responsibility for connecting the central register to the other NVRs should be shared)	5
Number of CS choosing Central register extremely useful, provided costs are known and reasonable	2
6 Number of CS for which vehicle data is not particularly sensitive and can be stored abroad.	3
Number of CS who need to investigate further the question on constraints related to hosting data outside their territory	3
Number of CS where hosting of data abroad is not legally acceptable	1
7 Number of CS who, if connected to ECVVR, after 2021 would prefer to use the EVR	5

* Standard NVR did not offer add-on option for connectivity to other NVRs

The Secretariat presented the draft proposal, which included the following concepts:

- CS which are also members of the EU would *not be subject* to the specifications as they apply compatible EU law and would be required to use the EVR;
- The term “*Vehicle Register*” would refer to the combination of all centralised and decentralised hardware, software and all their functions;
- States would have the option of using either a centralised registration function or a decentralised registration function. For the decentralised functions:
 - For EU states this would be time-limited until June 2024;
 - For non-EU states there would be no time limit;
- “*Registrar*”, which would be defined as the entity responsible for the development and maintenance of all centralised functions of the Vehicle Register. ERA would be the designated Registrar;
- The Registrar would be allowed to require fees to cover reasonable costs for its services;
- The Registrar and CS should cooperate to ensure interconnection between centralised and decentralised registration functions and allow the exchange of data;
- CS which were unable to implement the specifications would be required to ensure that all the necessary information about vehicles was stored in an electronic format, which would be accessible to the relevant parties;
- A change control management process for the vehicle register specification would be coordinated between the *Registrar* and Secretary General. Changes would be subject to adoption by the CTE;
- Two new appendices would need to be added, one for the harmonised restriction codes (new Appendix 8) and one for the structure and content of the EIN (new Appendix 9).

The EC gave a presentation on the European Commission’s analysis on the future of vehicle registers, which also included a comparison between the two alternatives: interconnected registers and a centralised register. The analysis showed that although there was no difference in terms of control, access rights and ownership of the data between the two alternatives, the centralised register provided higher availability and reliability. It could be used for purposes other than just ensuring the traceability of vehicles and their history. Furthermore, a centralised register would improve the registration process and avoid the use of the interface. The EC therefore suggested that non-EU OTIF CSs would also use the EVR.

The EC was of the view that one of the downsides of the interconnected registers was the additional costs for development and maintenance of the interface, together with the development and upgrade of the separate national vehicle register. Bearing in mind the results of the analysis, the representative of the EC said the EC could not agree with the draft proposal.

GB wondered how the national vehicle register should be understood technically and legally and wondered how the data flow between the national vehicle register and EVR would be managed when vehicles were registered through the Registration Entity. For example, should the keeper wait for release of the vehicle until it is registered in the EVR, or can he already release the vehicle when the Registration Entity has registered the vehicle in the NVR?

The **Secretariat** was of the view that the obligation of the keepers and registration entities to collect and publish the vehicle data and parameters themselves would not change significantly as a result of this proposal, compared to the existing rules. However, the problem of how to link the vehicle data between the national register and the EVR remained open.

Notwithstanding the discussion on vehicle data, the Secretariat pointed out that the discussion on the draft proposal should focus on how to define the legal provisions so that the architecture of vehicle registers would work for the non-EU OTIF CS as well.

GB asked if it would be possible for the EVR to export data to other NVRs outside the EU. It also pointed out that that within the EU, national vehicle registers did not currently interact directly with each other. Connection between registers would also be necessary in future in order to avoid problems for international traffic if the vehicle's admission status could not be checked.

The **Secretariat** welcomed the EU's offer to the non-EU OTIF Member States to register vehicle data in the EVR. However, COTIF could not make using the EVR mandatory for non-EU states, for the following reasons:

- The functioning of COTIF between all parties should preferably not have to rely on services provided by one party (EU). Furthermore, COTIF should not specify provisions that would give one party (EU) full control over essential (vehicle) data of all other parties. Furthermore, it may be complicated or impossible for non-EU states to take legal action against ERA in case of disputes about the services provided or fees charged;
- COTIF applies to international traffic only and may therefore only require the sharing of data on vehicles used in international traffic. It should remain possible for states to register all domestic and international vehicles in one national register and share only data concerning international vehicles. It would be disproportionate to require states to use a separate central register for their international vehicles;
- Hosting vehicle data outside their territory might be incompatible with the national law of some states.

CH agreed with the Secretariat and said that it would not be acceptable to manage two vehicle registers, one for vehicles used internationally and the other for vehicles used nationally. As of today, CH had a single vehicle register, which has been working satisfactorily. For CH, joining the EVR would be a step back. CH would like to avoid having to re-enter the data in vehicle registers. In its opinion, a connection between their register and the central register would mitigate this issue.

ERA did not think that each vehicle's data would have to be re-entered. Furthermore, updating, linking and transferring the vehicle's data could be done automatically, if this kind of service were to be provided by an IT expert, for example.

The **EC** reminded the meeting that after 16 June 2024 EU CS would no longer be permitted to use their national vehicle registers and would be required to use the EVR. It also reminded the meeting that the ECVVR would be discontinued and would not be adapted to the EVR. The EC pointed out the budget constraints and said that no additional funds for maintaining or developing the ECVVR was envisaged.

GB wondered if the OTIF Secretariat could possibly become the Registrar of a central register or if, alternatively, this service could be provided at the sectoral (private) level.

The **Secretariat** replied that within the limits of its current financial and human resources it was not possible to become the registrar.

The **Secretariat** proposed the following options:

- One option was the current proposal, with some possible fine-tuning, in which non-EU CS could either use the EVR or connect their national vehicle register;
- The alternative is to keep the text more general and only specify the parameters and structure of the vehicle register. Each state would have the obligation to make these data available to the relevant parties. The connection between registers should be agreed on a bilateral basis.

With regard to the Secretariat's suggestion, **GB**, **CH** and **NB Rail** supported the second possibility.

The **EC** informed the meeting that it would discuss the new proposal internally and would provide feedback to the OTIF Secretariat as soon as possible.

The Chair concluded this item as follows:

- WG TECH 38 noted the results of the OTIF questionnaire on NVRs, which indicated preference for maintaining the possibility of national registers in addition to the possibility of using a central register;
- WG TECH 38 noted the results of the European Commission's analysis on the future of vehicle registers which favoured the use of a central register by all States;
- WG TECH 38 agreed that a new version of the vehicle register specifications should be drafted by the Secretariat and considered for the next WG TECH meeting;

e. Draft revised ECM

Document: [TECH-19018](#)

Draft for discussion (version 1, dated 7.8.2019)

The **Secretariat** presented draft working document TECH-19018 as a proposal to replace the existing OTIF rules on ECM (ATMF Annex A). The Secretariat explained the context and introduced the following main points of the document:

- Contrary to the current ECM certification rules which applied only to freight wagon ECMs, it would apply to ECMs of all vehicles;
- It would introduce the possibility for certification of outsourced maintenance functions;
- It set out the requirements concerning the management of safety-critical components;
- All ECMs would be required to meet harmonised requirements (Annex II) irrespective of whether the ECM had to be certified or not;
- ECM certification would be mandatory for any ECM:
 - a) responsible for the maintenance of freight wagons;
 - b) which is not an RU or an IM maintaining vehicles exclusively for its own operations.
- Compliance with Annex II shall be demonstrated either:
 - a) through ECM certification by a Certification Body, or
 - b) through safety certification/authorisation according to EU law, or
 - c) for states that do not apply EU law, through a process defined at national level by means of which the Competent Authority ascertains and certifies compliance with Annex II.

RS was of the view that the subject and scope of the rules should be clearer. In particular, Article 3(2)(b) was unclear.

NB Rail explained that within the EU a railway undertaking which was also the ECM of its own vehicles could be certified either through the Safety Management System (safety certification), or separately through a Certification Body (ECM certification).

The **Secretariat** agreed with the previous speakers that the subject matter and scope (Article 1) and the system of certification (Article 3) should be clarified further. However, it was also conscious of the fact that the text was the result of lengthy deliberations and compromises at EU level. Therefore, it proposed to draft explanatory footnotes for the 39th session of WGTECH.

The **EC** wondered whether the definitions of *safety critical component* in Article 2 e) have a similar meaning in both the left-hand and right-hand sides.

The **Secretariat** pointed out that *equivalence between ECM certificates* should be limited to the purpose and scope of ATMF only. This was already set out in point 1 of the introductory provisions.

NB Rail asked whether the certification bodies that have been accredited or recognised before a certain period would have to be re-accredited, bearing in mind that the rules regarding ECM would be applied to all vehicles.

ERA informed the meeting that the accreditation scheme is also an open point at EU level.

The **Secretariat** was of the view that if these bodies would like to extend their competence from certifying freight wagon ECMs to certifying the ECMs of other vehicles as well, they should be re-accredited.

The **Chair** concluded this item as follows:

- WG TECH 38 asked the OTIF Secretariat to clarify the following for the next meeting:
 - o the subject matter and scope of the revised text (Article 1);
 - o the system of certification, in particular, for which kinds of ECM certification would be mandatory (Article 3);
 - o interpretation of the transitional provisions (Article 15).

9. ANY OTHER BUSINESS

a) The scope of OTIF/EU mutual recognition of ECM certification and other bodies

Document: [TECH-19023](#)

Discussion paper prepared by GB

The **Secretariat** informed the meeting that the document had been prepared by GB and was uploaded onto the Organisation's website on 29 August 2019, with the aim of facilitating the discussion.

GB reminded the meeting that this issue had been considered at the CTE 12 meeting. It introduced the subject by pointing out the importance of providing clarification on what constitutes international traffic between EU and non-EU OTIF CS. The paper it had prepared provided arguments to conclude that with respect to ECM certification, compliance with the ATMF provisions, with no additional assessments, should be sufficient for EU-only international traffic.

The **EC** confirmed that as long as the vehicle is in international traffic, the COTIF regime would apply.

NB Rail was of the view that ECM certificates could have both markings, i.e. EU and COTIF, meaning that the certificate complies with both regimes. This is a practical solution, but it asked how this principle could also be applied to other bodies in the non-EU OTIF CS, for example, to the Assessment Bodies.

The **Secretariat** agreed that the term *international traffic* was in some cases ambiguous. With regard to usage of the EU and OTIF markings on the same certificate, it explained that this would only work if the certificate were issued in the EU OTIF CS, as they apply EU law and COTIF rules at the same time. Non-EU OTIF CS could issue a certificate that bears the COTIF logo only, as they apply COTIF rules only.

The **Chair** thanked GB for introducing the document and concluded this item as follows:

- The paper submitted by GB was reviewed and the argumentation was not challenged;
- WG TECH 38 asked that in coordination with the OTIF Secretariat, GB should develop the text for the WG TECH 39 in a form that could be submitted to CTE 13 in June 2020, where the text could for example be adopted as an explanatory document.

f. Draft revised Rules of Procedures for the Committee of Technical Experts

Document: [TECH-19015](#)

Draft for discussion (dated 7.8.2019)

In line with the mandate from CTE 12, the **Secretariat** had prepared draft working document TECH-19015 explaining the context and main modifications to the CTE's Rules of Procedure (RoP). The modifications were deemed necessary in order to adapt to the decision-making process in the EU, which required up to 4 months to prepare a formal EU position on legislative texts that require a vote by the CTE. Modifications were also made to align the text with the RoP of other OTIF bodies, i.e. General Assembly, Revision Committee and RID Committee of Experts. The new RoP proposed that prior to each session of the CTE the documents should be submitted as follows:

- 20 weeks in advance for invitation with the provisional agenda
- 16 weeks in advance for legislative proposals to be adopted by CTE
- 8 weeks in advance for all other documents.

The **Secretariat** pointed out that as a consequence, the traditional February meeting of the WG TECH would in future take place in June, directly following the session of the CTE.

DE was of the view that Article 8 should stipulate that agenda items dealing with proposals for binding provisions in the meaning of Article 9 § 2 should be indicated as such in the provisional agenda.

The **Secretariat** agreed with DE and said it would provide proposals for the next meeting.

On voting rights, the **Secretariat** reminded the meeting that only those Member States that apply COTIF Appendices APTU and ATMF have voting rights (Articles 4 and 1.k).

The **EC** proposed to clarify that although the EU can vote on behalf of its members, it does not have a vote itself. Therefore, the text should be adjusted to reflect this. To this end, the EC offered to provide the OTIF Secretariat with a modified text.

The **Secretariat** welcomed the proposal by the EC.

The **Chair** concluded this item as follows:

- WG TECH 38 took note of the new proposal for the RoP for the CTE meeting, including the new schedule for the provision of documents and organisation of meetings;
- A new version of the RoP with modifications as discussed would be prepared for WG TECH 39.

6. DEVELOPMENTS IN EU REGULATIONS THAT ARE OF RELEVANCE TO COTIF (PRESENTED BY ERA AND DG MOVE)

The **EC** presented the principles, background and objectives of the future TSI revisions. With the aim of achieving better and faster coordination of the revisions of various TSIs, the EU has developed a new process, which includes the following:

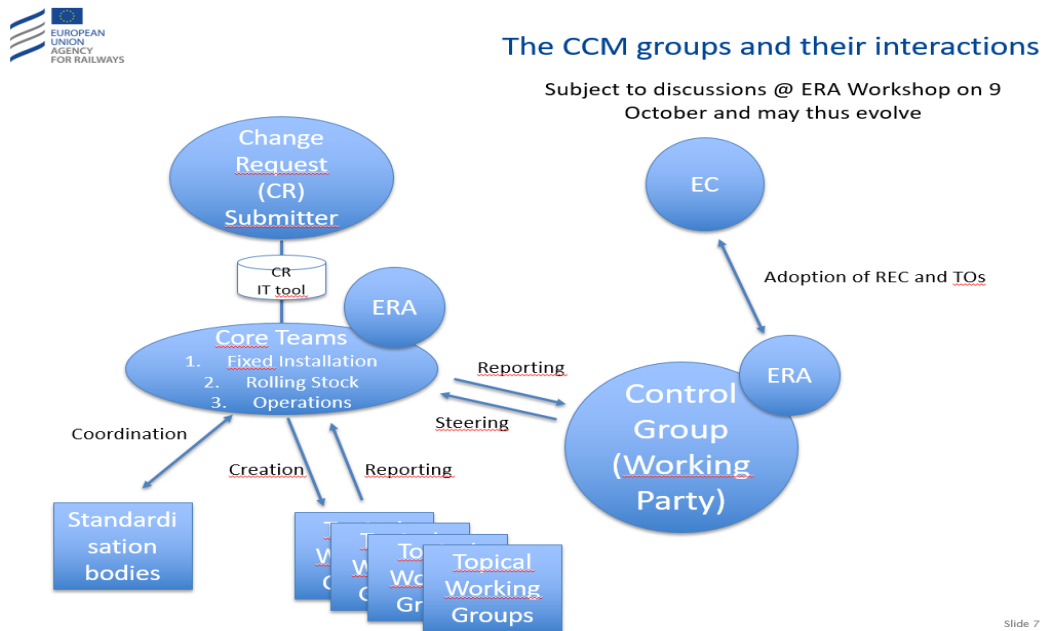
- The EC foresees that every three to five years, priority policy topics would be identified and the relevant topics would be grouped and revised as a package;
- The revisions would be managed through a general Change Control Management (CCM) process;
- All work would be led by one standing working party coordinated by ERA;
- The revision would involve consultations with the sector in the form of various working parties and topical working groups.

The following forward planning was presented:

9 October 2019:	Workshop on future maintenance of TSIs
December 2019:	Kick-off working groups
January 2020:	Request on main packages concerning TSIs

The **Secretariat** proposed to the EC that the process of revising TSIs should also include a step where the EC would check the relevance for COTIF. If it was relevant, then the compatibility of the proposals to revise the TSIs should be systematically checked for compatibility with COTIF and the UTPs in the early steps of the TSI revision. Furthermore, the next steps should be coordinated with the relevant OTIF bodies (WG TECH, CTE, OTIF Secretariat etc.). This should help avoid legal incompatibilities between TSIs and UTPs.

Diagram 2. The CCM groups and their interactions (as presented to the WG TECH 38)



The **representative of the EC** noted the Secretariat's proposal and proposed that the process of checking compatibility with COTIF should be included as an additional activity of the Core Teams.

The **Chair** thanked the representative of the EC for its presentation and concluded this item as follows:

- WG TECH 38 took note of the new proposal by the EC and ERA on the revision of the TSIs;
- WG TECH 38 suggested that an additional step in the processes be included to check systematically the compatibility of the proposals for modification of TSIs with UTPs.

7. CROSS REFERENCE TABLE OF EU AND OTIF TERMINOLOGY

Document: [TECH-17049](#)

Table of correspondence between COTIF and EU terminology

The **Secretariat** presented draft working document TECH-17049-WGT38-7 dated 12.8.2019. Compared to the version issued for WG TECH 37, there were no changes.

Delegates were informed that they are welcome to give the OTIF Secretariat feedback and recommendations for improvement, if necessary.

8. EU-OTIF EQUIVALENCE TABLE

Document: [TECH-18024](#)

Equivalence table EU/OTIF regulations

The **Secretariat** presented draft working document TECH-18024-WGT38-8 dated 12.8.2019. Compared to the version issued for WG TECH 37, the changes included:

- Updated references to the EU documents (*UTP WAG page 3; UTP LOC&PAS page 6; UTP NOI page 9; NVR page 24; ECM page 25*);
- Some editorial amendments to facilitate the tracking of the data (*deletion or merging some rows; rewording of the comments etc.*);
- Comments in the far right column of the table were amended to reflect more clearly the substance of the equivalence (*UTP WAG page 3; UTP LOC&PAS page 6; UTP NOI page 9; UTP PRM page 10; UTP Marking page 11; UTP GEN-B page 14; UTP TAF page 22; NVR page 24; ECM page 25*).

WG TECH 38 noted the updated table. WG TECH members were invited to give the OTIF Secretariat feedback and recommendations for improvement, if necessary.

10. NEXT SESSIONS

The 39th session of WG TECH would be held on 19 and 20 November 2019 in Brussels.

The 13th session of the Committee of Technical Experts would be held on 16 and 17 June 2020 in Bern.

The 40th session of WG TECH would be held on 17 and 18 June 2020 in Bern.

It was proposed to hold the 41st session of WG TECH in September 2020 (date and venue to be decided later).

CLOSING REMARKS:

The **Chair** thanked all the participants for the productive discussion, the OTIF Secretariat for preparing all the documents on time, and closed the 38th WG TECH meeting.

List of participants**Annex I****I. Gouvernements / Regierungen / Governments****Allemagne/Deutschland/Germany**

M./Hr./Mr. Fabian **Heinrich** Referent für internationale Angelegenheiten
Eisenbahn-Bundesamt

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M./Hr./Mr. Peter **Coverdale** Policy Advisor
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M./Hr./Mr. Milan **Popović** Head of Department for Safety and Interoperability
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Suisse/Schweiz/Switzerland

M./Hr./Mr. Christophe **Le Borgne** Chef de projet Interopérabilité et Sécurité
Office fédéral des transports (OFT)

**II. Organisation régionale d'intégration économique
Regionale Organisation für wirtschaftliche Integration
Regional economic integration organisation**

Union européenne / Europäische Union / European Union

**Commission européenne/
Europäische Kommission/
European Commission**

Mme/Fr/Ms. Alice **Polo**

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M./Hr./Mr. Oscar **Martos**

Project Officer

**III. Organisations et associations internationales non-gouvernementales
Nichtstaatliche internationale Organisationen und Verbände
International non-governmental Organisations and Associations**

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NB-Rail

M./Hr./Mr. Francis **Parmentier**

General Manager
NB-Rail

OSJD/OSShD

M./Hr./Mr. Radovan **Vopalecky**

Chairman
Commission on Infrastructure and Rolling Stock

UIC

M./Hr./Mr. Jozef **Fázik**

Chargé de mission, Echange des véhicules ferroviaires
Union internationale des chemins de fer (UIC)

UIP

M./Hr./Mr. Gilles **Peterhans**

Secretary General

**IV. Secrétariat
Sekretariat
Secretariat**

M./Hr./Mr. Bas **Leermakers**

Head of Department

Mme/Fr/Ms. Maria **Price**

Expert

M./Hr./Mr. Dragan **Nešić**

Expert

Approved Agenda**Annex II**

1. Approval of the agenda
2. General information from the OTIF Secretariat
3. Election of chair
4. Approval of the minutes of the 37th session of WG TECH
5. Discussion and draft proposals for modification:
 - a) Draft revised UTP NOI
 - b) Draft revised UTP WAG
 - c) Draft revised UTP Marking
 - d) Draft revised Vehicle Register Specification
 - e) Draft revised ECM
- 9 *Any other business:*
 - a) *The scope of OTIF/EU mutual recognition of ECM certification and other bodies*
 - f) Draft revised Rules of Procedures for the Committee of Technical Experts
6. Developments in EU regulations that are of relevance to COTIF (presented by ERA and DG MOVE)
7. Cross reference table of EU and OTIF terminology
8. EU-OTIF equivalence table
10. Next session

