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Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

**Commission d'experts techniques
Fachausschuss für technische Fragen
Committee of Technical Experts**

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**TABLE OF CORRESPONDENCE BETWEEN COTIF AND EU
TERMINOLOGY**

For terms used in APTU, ATMF and EU legislation

1. INTRODUCTION

This is a draft working document of OTIF's Committee of Technical Experts' working group WG TECH. This document will be further analysed and improved. The table at annex was prepared on the basis of OTIF documents, the EU Directives on Interoperability and Safety¹ and the two comparison tables prepared by the European Commission for the 30th session of the WG TECH (16-17 November 2016)².

2. TERMINOLOGY IN EU LEGISLATION AND COTIF

As far as required for their purposes, APTU and ATMF have been based on the concepts of the European Union's interoperability and safety directives; these concern in particular the elements relating to vehicle authorisation, vehicle maintenance and roles and responsibilities.

At present, the technical requirements for rolling stock applicable in OTIF and the EU are fully equivalent. However, the objectives and scope of COTIF/the EU are not identical and it has therefore been necessary to use different terminology for concepts that have a (slightly) different meaning, e.g. admission (COTIF) vs authorisation (EU). The table at annex lists several different terms and their respective meanings.

The purpose of this document is to act as an aid to those who work with COTIF and EU law, especially on interoperability and technical harmonisation in the railway field and in the vehicle admission and maintenance processes.

¹ Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system with the European Union

Directive (EU) 2016/798 of the European Parliament and the Council of 11 May 2016 on railway safety

² Comparison tables between APTU and Directive (EU) 2016/797

(http://www.otif.org/fileadmin/user_upload/otif_verlinkte_files/06_tech_zulass/03_Doks_WG_TECH/09_2016_WG_TECH/Draft_Table_of_comparison_APTU-4th_RP27.10.16.pdf),

and between ATMF and Directive (EU) 2016/797

(http://www.otif.org/fileadmin/user_upload/otif_verlinkte_files/06_tech_zulass/03_Doks_WG_TECH/09_2016_WG_TECH/Draft_Table_of_comparison_ATMF-4th_RP27.10.16.pdf).

The table of correspondence between COTIF and EU law [TECH_17023_WGT32_v1]

Please note that this document is a working document of OTIF's Committee of Technical Experts' working group WG TECH. This document is currently available in English only and is solely for information purposes. This document will be updated regularly. However, to find the applicable law in force, please consult the OTIF website, the Official Journal of the European Union and the relevant national laws of OTIF's Member States.

Explanatory note:

The text *in italics* quotes the provisions from the legal source.

The versions of APTU and ATMF that have been used as the reference basis are those reviewed by the CTE 10 but not yet adopted by the Revision Committee.

The references to EU Directives are as follows: "IoD 2016/797" refers to Directive (EU) 2016/797 of the European Parliament and of the Council of 11 May 2016 on the interoperability of the rail system with the European Union, and "Safety Directive 2016/798" refers to Directive (EU) 2016/798 of the European Parliament and of the Council of 11 May 2016 on railway safety.

| REQUIREMENTS AND SPECIFICATIONS | | | | |
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| OTIF | | EU | | Equivalence/Clarification |
| The term | Legal reference | The term | Legal reference | Clarification |
| Uniform Technical Prescriptions (UTP) | A specification other than a technical standard prepared and adopted in accordance with APTU. | Technical Specifications for Interoperability (TSI) | <i>Means a specification adopted in accordance with this Directive by which each subsystem or part of subsystem is covered in order to meet the essential requirements and ensure the interoperability of the Union rail system</i> Article 2 (11) of IoD 2016/797 | Where possible, UTPs and TSIs for subsystems are equivalent. The (extent of the) equivalence is indicated in the UTP. |

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| National technical requirements (NTR) | Means those requirements of which the Secretary General of OTIF has been informed and which have been made public in accordance with Article 12 of APTU. Article 12 of APTU | Notified National Technical Rules (NNTR) | Article 14 (1) of IoD 2016/797 | Process of notification, validity of provisions and requirements concerning exhaustiveness of notified provisions are not identical. |
| Essential requirements | <i>Means all the conditions set out in the relevant UTP, which must be met by the rail system, the subsystems and the interoperability constituents, including interfaces;</i> Article 2 (i) of ATMF, and UTP GEN-A 2015 | Essential requirements | Annex III to IoD 2016/797 | Essential requirements (ERs) are harmonised as far as required for the scope of COTIF. ERs for infrastructure in COTIF are limited to the interfaces with vehicles. |

ENTITIES AND ROLES

| OTIF | | EU | | Equivalence/Clarification |
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| The term | Legal reference | The term | Legal reference | Clarification |
| Competent authority | Means <i>the national or international authority competent in the matter in accordance with the laws and prescriptions in force in each Contracting State</i> for the technical admission. Article 5 of ATMF | National Safety Authority | Article 3 (7) of Safety Directive 2016/798 | Based on ATMF, the NSAs are notified as competent authorities for the EU MS. The EU has more strictly defined competences for NSAs than COTIF has for CAs. For example, in COTIF the competent authority and the assessing entity can be the same entity. |

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| | | <p>The European Union Agency for Railways (ERA)</p> | <p>Article 3 (7) of Safety Directive 2016/798 and Article 12 of Regulation (EU) 2016/796 on the European Union Agency for Railways</p> | |
| | | <p>Notifying Authority</p> | <p><i>Notifying Authorities are responsible for setting up and carrying out the necessary procedures for the assessment, notification and monitoring of conformity assessment bodies, including compliance with Article 34.</i></p> <p>Article 27 of IoD 2016/797</p> | |
| <p>Assessing Entity</p> | <p><i>Means a competent authority or a suitable body competent to carry out assessments as a whole or partly, including the issuing of the corresponding certificates of verification.</i></p> <p>Article 5 § 2 and § 3 of ATMF, and UTP GEN-E Assessing Entity – qualifications and independence</p> | <p>Notified Body</p> | <p>Recitals (59) and (60), Articles 9, 10, 15, 34, 38 to 44 and Annex IV to IoD 2016/797</p> | <p><i>“Notified Body” (NoBo) notified to the EU by a Contracting State in accordance with EU Directive 2008/57/EC, thus meeting the provisions of that Directive, in particular the criteria set out in Annex VIII, and insofar as the body is registered in the EU’s public, so-called NANDO database³, shall be considered as a “Suitable Body” with the competence to carry out assessments...</i></p> <p>Point 1.3.2 of UTP GEN-D Assessment Procedures (Modules)</p> |

³ <http://ec.europa.eu/growth/tools-databases/nando/>

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| | | Conformity Assessment Body | <p>Conformity Assessment Body, could be classified as:</p> <ul style="list-style-type: none"> - a notified body, following notification by a MS; or - a designated body, following designation by a MS <p>Articles 2 (42), 30 to 33 of IoD 2016/797</p> | |
| Accreditation Body | <p><i>Means the sole body in a CS that performs accreditation with authority derived from the State. It confirms that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity;</i></p> <p>Article 2 ab) and ac) of ATMF</p> | Accreditation Body | <p>Mean the <i>sole body in a EU MS that performs accreditation with authority derived from the State. It confirms that a conformity assessment body meets the requirements set by harmonised standards and, where applicable, any additional requirements including those set out in relevant sectoral schemes, to carry out a specific conformity assessment activity;</i></p> <p>Article 2 (10, 11) of Regulation (EC) 765/2008 setting out the requirements for accreditation and market surveillance relating to the marketing of products and repealing Regulation (EEC) No 339/93</p> | <p>Accreditation is a concept used globally and not only in the EU. Accreditation is not specifically for railways.</p> <p>Many, if not all, OTIF CSs have accreditation bodies.</p> |
| ECM Certification Body | <p><i>Means a body, notified to the Secretary General in accordance with chapter 10 of this Annex, responsible for the certification of ECM, on the basis of the criteria in Annex II</i></p> | ECM Certification Body | <p><i>Means a body, designated in accordance with Article 10, responsible for the certification of ECM, on the basis of the criteria in Annex II</i></p> | <p>Similar meaning. Both in EU and COTIF the ECM CB can be public (NSA/CA) or (semi-) private.</p> |

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| | Article 2 (c) of Annex A of the ATMF | | Article 2 (c) of Regulation (EU) 445/2011 on a system of certification of ECM for freight wagons and amending Regulation (EC) No 653/2007 | |
| CSM Assessment body | <p><i>Means the independent and competent external or internal individual, organisation or entity which undertakes investigation to provide a judgement, based on evidence, of the suitability of a system to fulfil its safety requirements.</i></p> <p>Section 3 of UTP GEN-G Risk evaluation and assessment</p> <p>In addition, the CSM assessment body must meet the criteria set out in Annex II.</p> | CSM Assessment Body | <p><i>Means the independent and competent external or internal individual, organisation or entity which undertakes investigation to provide a judgement, based on evidence, of the suitability of a system to fulfil its safety requirements.</i></p> <p>Article 3 (14) of Regulation (EU) 402/2013 on the common safety method for risk evaluation and assessment and repealing Regulation (EC) No 352/2009</p> | The meaning is similar. |
| Rail transport undertaking | <p><i>Means a private or public undertaking which is authorised or licensed by applicable law to provide services for the transport of goods and/or passengers by rail with a requirement that the undertaking must ensure traction; this includes undertakings which provide traction only</i></p> <p>Article 2 (t) of ATMF</p> | Railway undertaking | Article 2 (45) of IoD 2016/797, and Article 3 of Directive 2012/34/EU establishing a single European railway area | <p>Under COTIF both terms have a similar meaning.</p> <p>Under EU law the terms have different meanings, in the sense that in EU law more provisions apply to railway undertakings.</p> <p>A non-EU rail transport undertaking as defined in COTIF does not necessarily meet the conditions of a railway undertaking in the EU.</p> |
| The applicant | Means a legal entity that applies for the assessments of conformity with applicable | The applicant | <i>means a natural or legal person requesting an authorisation, be it a</i> | The concepts are not identical. In the EU an applicant has |

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| | <i>regulations.</i> | | <i>RU, an IM or any other person or legal entity, such as a manufacturer, an owner or a keeper; for the purpose of Article 15 of Interoperability Directive 2016/797 the applicant means a contracting entity or a manufacturer, or its authorised representatives; for the purpose of Article 19 of Interoperability Directive 2016/797 it means a natural or legal person requesting the ERA's decision for the approval of the technical solutions envisaged for the ERTMS track-side equipment projects;</i> Article 2 (22) of IoD 2016/797 | responsibilities which are more detailed. |
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| PRODUCTS | | | | |
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| OTIF | | EU | | Equivalence/Clarification |
| The term | Legal reference | The term | Legal reference | Clarification |
| Railway Vehicle | <i>Means a vehicle suitable to circulate on its own wheels on railway lines with or without traction;</i> Article 2 (w) of ATMF | Vehicle | <i>Means a railway vehicle suitable for circulation on wheels on railway lines, with or without traction; a vehicle is composed of one or more structural and functional subsystems;</i> Article 2 (22) of IoD 2016/797 | The meaning is similar. |

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| <p>Element of Construction, also called the Interoperability Constituents</p> | <p><i>Means an elementary component, group of components, complete assembly or subassembly of equipment incorporated or intended to be incorporated into a railway vehicle, or infrastructure; the concept of an “element of construction” covers both tangible objects and intangible objects such as software;</i></p> <p>Article 2 g) of ATMF</p> | <p>Interoperability Constituent – IC</p> | <p><i>Means any elementary component, group of components, subassembly or complete assembly of equipment incorporated or intended to be incorporated into a subsystem, upon which the interoperability of the rail system depends directly or indirectly, including both tangible objects and intangible objects</i></p> <p>Article 2 (7) of IoD 2016/797</p> | <p>Separate Assessment of the IC is mandatory in EU. However, <i>the assessment of ICs as components and the manufacturer’s issue of Declarations of conformity are <u>not</u> mandatory in COTIF. Such assessments may be carried out on a voluntary basis, in which case the provisions in this UTP shall apply.</i></p> <p>Note in Section 2 of UTP GEN-D</p> |
| <p>Subsystem</p> | <p><i>Means the result of the division of the rail system, as shown in the UTP; for which an essential requirements must be laid down, may be structural or functional.</i></p> <p>Article 2 g) of ATMF, and UTP GEN-B Subsystems</p> | <p>Subsystem</p> | <p><i>Means the structural or functional parts of the Union rail system, as set out in Annex II</i></p> <p>Article 2 (5) of IoD 2016/797 Annex II to IoD 2016/797</p> | <p>The meaning is similar.</p> |
| <p>Type of construction</p> | <p><i>Means the basic design characteristics of the railway vehicle as covered by a type examination certificate or design examination certificate described respectively in assessment modules SB and SH1 of the UTP GEN-D</i></p> <p>Article 2 ff) of ATMF</p> | <p>Vehicle Type</p> | <p><i>Means a vehicle type defining the basic design characteristics of the vehicle as covered by a type or design examination certificate described in the relevant verification module;</i></p> <p>Article 2 (26) of IoD 2016/797</p> | <p>The meaning is similar.</p> |

| PROCEDURES | | | | |
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| OTIF | | EU | | Equivalence/Clarification |
| The term | Legal reference | The term | Legal reference | Clarification |
| Assessment procedures (modules) | The assessment of conformity with provisions of the UTPs, applicable to structural subsystems, ICs and national technical requirements. | The modules | European Commission Decision on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the TSIs adopted under Directive 2008/57/EC of the European Parliament and of the Council (hereinafter: Commission Decision 2010/713/EU of 9 November 2010 on modules) | The EU term ‘modules’ can also be used in OTIF. However, the formal reference is ‘assessment procedures’ |
| Assessment procedures for the verification of subsystems | UTP GEN-D Assessment Procedures (Modules) | Modules for EC verification of subsystems | | The COTIF and EU provisions have been harmonised. The terms have the same meaning concerning the process of checking conformity. The responsibilities of the different actors are not identical. |
| Renewal and upgrading | <p><i>Renewal means any major substitution work on a subsystem or part subsystem which does not change the overall performance of the subsystem.</i></p> <p><i>Upgrading means any major modification work on a subsystem or part subsystem which improves the overall performance of the subsystem.</i></p> <p>Article 2 y) and gg) of ATMF</p> <p>Article 10 § 11 of ATMF</p> | Renewal or upgrading | The same wording as in COTIF Recitals (22) and (37), Article 2 (14) and (15), Articles 7, 15 and 21 of IoD 2016/797 | |
| Technical admission | <i>Means the procedure carried out by the competent authority to authorise a</i> | The procedure (for authorisation) | No definition of authorisation of vehicle in IoD 2016/797. | |

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| | <p><i>railway vehicle to operate in international traffic or to authorise a type of construction.</i></p> <p>Articles 2 cc), 3 § 2, 4 § 1, 5 § 1, 7, 13 § 6 of ATMF</p> | | <p>Procedure is defined in Art. 21 and 24 of IoD 2016/797.</p> <p><i>If the Agency or a NSA issues a vehicle authorisation for placing on the market, it shall at the same time at the applicant's request issue the vehicle type authorisation, which is related to the same area of use of the vehicle.</i></p> <p>Article 24.2 of IoD 2016/797 (Principles from Article 26 of the 2008/57 IoD has been kept)</p> | |
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CERTIFICATES, PERMISSIONS, FILES AND DECLARATIONS

| OTIF | | EU | | Equivalence/Clarification |
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| The term | Legal reference | The term | Legal reference | Clarification |
| Technical File | <p><i>Means the documentation relating to the vehicle containing all its technical characteristics, including a user manual and the characteristics necessary to identify the object(s) concerned, as described in the relevant UTP</i></p> <p>Articles 2 ee) and 10 § 6 of ATMF, and UTP GEN-C 2015 Technical file</p> | Technical file | <p>No definition of technical file in IoD 2016/797, but it is described in Annex IV section 2.4 of the Directive.</p> | <p>In the EU the applicant is “responsible for compiling the technical file that is to accompany the ‘EC’ declaration of verification. [...]” Article 15(4) of IoD 2016/797</p> <p>In COTIF the applicant “shall elaborate and attach to his application a Technical File containing the information required in the relevant UTPs. The assessing entity shall compile</p> |

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| | | | | the technical file Article 10§6 of ATMF”. |
| Vehicle admission to operation (to international traffic) | <i>Means the right granted according to which the competent authority authorises a railway vehicle to operate in international traffic, as evidenced by a Certificate of Operation</i> Articles 2 c), 3 and 4 of ATMF | Vehicle authorisation for placing on the market | <i>Means the first making available on the Union’s market of an interoperability constituent, subsystem or vehicle ready to function in its design operating state;</i> Article 2 (35) of IoD 2016/797 <i>The applicant shall place a vehicle on the market only after having received the vehicle authorisation for placing on the market issued by the Agency in accordance with paragraphs 5 to 7 or by the national safety authority in accordance with paragraph 8.</i> Article 21.1 of IoD 2016/797 | The concepts of authorisation (EU) and admission (COTIF) are not equivalent. However, both confirm that a vehicle may be operated in its area of use. |
| | | Placing in service | <i>Means all the operations by which a subsystem is put into its operational service;</i> Article 2 (19) of IoD 2016/797 | |
| Certificate to Operation | <i>Means the attestation issued by the competent authority of an admission to operation, including the conditions of the admission;</i> Articles 2 ca) and 11 § 3* of ATMF | | No definition in IoD 2016/797. Content of vehicle authorisation described in 21.9. | Form discussed when preparing the implementing act (IA) on vehicle authorisation (VA) By 16.6.2018 the EC will adopt practical arrangements by means |

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| | | | | of an implementing act. |
| Admission of a type of construction | <i>Means the right granted according to which the competent authority authorises a type of construction of a railway vehicle, as a basis for the admission to operation for vehicles which correspond to that type of construction, as evidenced by a Design Type Certificate</i> Articles 2 b) and 4 of ATMF | Type Authorisation | No definition of type authorisation of vehicle in the IoD 2016/797. However, the process is described in Article 24 of IoD 2016/797 (Type authorisation of vehicles) | Definition is currently being discussed in the context of preparing the implementing act (IA) on vehicle authorisation (VA) |
| Design type certificate <i>(issued by the competent authority of a Contracting State to the applicant)</i> | <i>Means the attestation issued by the competent authority of the admission of a type of construction, including the conditions of the admission.</i> Article 2 f) and Articles 10 § 8 and 11 § 2 of ATMF | | No definition in IoD 2016/797. | Content and form of type authorisation discussed in the context of preparing the implementing act (IA) on vehicle authorisation (VA) |
| Area of Use of a vehicle | <i>Means the network located within two or more CS in which a vehicle is intended to be used.</i> Article 2 hh) of ATMF | Area of use of a vehicle | <i>Means a network or networks within a Member State or a group of Member States in which a vehicle is intended to be used;</i> Article 2 (32) of IoD 2016/797 | The meaning is similar. |
| UTP certificate of verification (for subsystems) | <i>Means the attestation issued by an assessing entity that verification has been carried out with a positive result;</i> Article 2 cb) of ATMF The Certificate is issued by the assessing entity to the applicant if the subsystem concerned meets the requirements of the relevant UTP(s) and in respect of the | EC certificate of verification (for subsystems) | <i>The notified bodies responsible for the verification assess the design, production and final testing of the subsystem and draw up the certificate of verification intended for the applicant who in turn draws up the 'EC' declaration of verification.</i> Annex IV section 2.3.1 of IoD | The meaning is similar. The certificate is mandatory under COTIF. |

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| | examinations and test carried out. UTP GEN-D | | 2016/797 <i>The designated body draws up the certificate of verification intended for the applicant. The certificate shall contain a precise reference to the national rule(s) whose conformity has been examined by the designated body in the verification process.</i> Annex IV section 3.2 of IoD 2016/797 | |
| UTP declaration of verification (for subsystems) | The declaration is issued by the manufacturer on the basis of the certificate of verification for the subsystem issued by the assessing entity UTP GEN-D | EC declaration of verification (for subsystems) | The manufacturer shall draw up a declaration for the subsystem on the basis of EC certificate of verification and keep it together with the technical documentation at the disposal of the national authorities throughout the service life of the subsystem... | The declaration is not mandatory under COTIF |
| UTP certificate of conformity (for ICs) | The certificate is issued by the assessing entity to the applicant if the IC concerned satisfies the requirements of the relevant UTP(s) and in respect of the examinations and test carried out. | EC certificate of conformity (for ICs) | <i>The notified body shall issue (to the manufacturer) an EC certificate of conformity in respect of the examinations and tests carried out.</i> Commission Decision 2010/713/EU of 9 November 2010 on modules | Separate Assessment of the IC is mandatory in EU. <i>The assessment of ICs as components and the manufacturer's issue of Declarations of conformity are <u>not</u> mandatory in COTIF. Such assessments may be carried out on a voluntary basis, in which case the provisions in this UTP shall apply.</i> Note in Section 2 of UTP GEN-D |

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| <p>Declaration of conformity (for ICs)</p> | <p>Means the result of the conformity assessment procedure whereby the manufacturer ensures and declares on his sole responsibility that the IC concerned satisfies the requirements of the relevant UTP.</p> <p>UTP GEN-D, annex 3</p> | <p>EC declaration of conformity (for ICs)</p> | <p><i>The manufacturer shall draw up a written EC declaration of conformity for the IC and keep it together with the technical documentation at the disposal of the national authorities...</i></p> <p>Commission Decision 2010/713/EU of 9 November 2010 on modules</p> | <p>See the explanation in the cell above.</p> |
| <p>Type examination certificate</p> | <p>Means the attestation issued by the assessing entity in which it verifies that the technical design of the IC/subsystem meets the requirements of the relevant UTP(s), or other applicable regulations, that apply to it.</p> <p>Modules CB/SB of UTP GEN-D</p> | <p>EC type examination certificate</p> | <p>Means attestation issued by the NoBo in which it verifies that the technical design of the IC/subsystem meets the requirements of the relevant TSI(s) and other applicable regulations that apply to it.</p> <p>Modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the technical specifications for interoperability</p> <p>Commission Decision 2010/713/EU of 9 November 2010 on modules</p> | |