



Organisation intergouvernementale pour les  
transports internationaux ferroviaires

Zwischenstaatliche Organisation für den  
internationalen Eisenbahnverkehr

Intergovernmental Organisation for  
International Carriage by Rail

# **WG TECH**

## **31<sup>st</sup> Session**

# **Provisional Minutes**

Rome, 21-22.2.2017

## **DISCUSSIONS**

### **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 31<sup>st</sup> session of WG TECH in Rome.

### **1. APPROVAL OF THE AGENDA**

The **Secretariat** explained that the provisional agenda had been sent to participants with the invitation on 15 December 2016 (circular [TECH-16051](#)). Since there were no objections, the agenda was adopted accordingly.

**Conclusion:** WG TECH approved the agenda for the 31<sup>st</sup> session ([Annex II](#)).

### **2. GENERAL INFORMATION (FROM THE OTIF SECRETARIAT)**

The Secretariat introduced Ms Jana Ćirković, from Serbia, the fifth trainee in OTIF's in-house training programme. It informed the meeting that the programme is open to new candidates and invited other non-EU OTIF MS to apply for this programme and benefit from it.

The Secretariat informed the meeting about OTIF's new website design and invited the meeting to send any comments on it that they might have.

The meeting was also informed about the publication of the amendments to the UTPs adopted at CTE 9, i.e. UTP GEN-G (CSM RA) and UTP WAG, which entered into force on 1.12.2016.

The Secretariat also informed the meeting about the results of the joint OTIF/COM RID-ATMF working group, which finalised its work on 9.2.2017. The working group agreed that it was necessary to achieve a consistent approach to vehicle authorisation and concluded that this process should be facilitated by a group of experts involving both RID and general railway legislation experts, i.e. by the Joint Coordinating Group of Experts. The conclusions would be presented in 2017 to the four Committees involved (at OTIF level the CTE and the RID Committee and at EU level RISC and TDG).

With regard to the current geographical scope of COTIF and its Appendices, the meeting was informed that there had been no changes since the previous (30<sup>th</sup>) WG TECH meeting.

### **3. ELECTION OF CHAIR<sup>1</sup>**

The **Secretariat** nominated Germany (Mr Michael Schmitz) to chair the session on the basis that he is well aware of all the previous discussions, as he had attended virtually all the meetings and demonstrated his chairmanship skills during the ATMF revision working group. No other nominations were proposed. Mr Michael Schmitz accepted the nomination and WG TECH unanimously elected DE, in the shape of Mr Michael Schmitz, to chair this session.

The Chairman thanked participants for the confidence it had placed in him.

### **4. APPROVAL OF THE MINUTES OF THE 30<sup>TH</sup> SESSION OF WG TECH**

Document: [WG TECH 30 PVM with comments](#)

Provisional Minutes of the 30<sup>th</sup> session

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<sup>1</sup> Note: all previous sessions of WG TECH had been chaired by Switzerland in the shape of Roland Bacher. Mr Bacher was not available for this meeting.

On 13 December 2016, the **OTIF Secretariat** had sent the provisional minutes to delegates who had attended the 30<sup>th</sup> session of WG TECH (16-17 November 2016). For the attention of WG TECH 31, the Secretariat had uploaded a version of the minutes with the minor comments received from the European Commission (EC) and CH. The comment submitted by EC reflected more clearly the statement by the representative of the EC and CH suggested adding the additional two links to the footnote concerning the Dailens Investigation Report on page 16. The minutes, including the amendments, were approved.

**Conclusion:** The minutes of the 30<sup>th</sup> session of WG TECH were approved with the correction requested by CH, EC and ERA.

## 5. COMMENTS FROM THE MS ON DOCUMENT PROPOSED FOR CTE 10

### a) Draft UTP TAF

Document: [TECH-16032 v3](#)

The working document

The **Secretariat** reminded the meeting that version 2 of the document had already been reviewed by WG TECH 30. The very few newly proposed modifications were shown in track changes.

One change concerned an omission in the English version in point 3.4.1, technical compatibility. The reference to the essential requirement 2.7.1 had to be aligned with the FR and DE versions by adding the following clarification (in bold): "...service for passengers and **customers of** carriers of goods, ...".

In addition, the term "combined road-rail transport" in Appendix II – Glossary was explained more clearly.

With regard to 2.3.2 and 4.2.1.1, the draft UTP deviated from the TSI in order to avoid ambiguities in relation to CIM. At the previous meeting, the OTIF Secretariat had been requested to study the subject further with the legal department and with ERA and EC., It informed the meeting as follows:

Within COTIF, the CIM Uniform Rules govern the rights and obligations of the parties to the contract (the carrier and the consignor) of international carriage of goods by rail. The TAF TSI sets out provisions concerning the information exchange for rail freight services. Although the purpose of the TAF TSI is not to regulate contractual relations, it does refer to obligations in a limited number of clauses, which the Secretariat considers unnecessary. The following are concerned in particular:

2.3.2 "*...Under contractual agreement the LRU shall provide information to the Customer in particular...*"

4.2.1.1 "*The Consignment Note has to be sent by the Customer to the Lead RU...*"

The CIM carrier is not necessarily a railway undertaking. This means that in CIM the customer is not necessarily dealing directly with a RU, therefore these two TAF TSI clauses may lead to ambiguities and in the view of the OTIF Secretariat should not be taken over in the UTP. After additional analysis of points 2.3.2 and 4.2.1.1 in coordination with ERA and DG MOVE, the OTIF Secretariat proposed the following:

- To keep the text in the TAF UTP two column layout in order to avoid ambiguities with CIM
- To amend the TSI accordingly (after this is done, the UTP can be amended to full width text)
- To delete 'carrier' from the glossary (Appendix II – Glossary, also related to 2.3.2)

**CER** and **ERA** supported the OTIF Secretariat's proposal.

As a matter of principle, **DE** wished to avoid the two column layout as far as possible. However, if the proposal were acceptable to users, DE would not object to the proposal. He also suggested that ERA prepare a technical opinion on this and provide a clear interpretation of this issue.

The **Chairman** summarised the discussion so far and noted that this subject should be dealt with in line with the OTIF Secretariat's proposal. After adoption of the UTP TAF, the TSI clauses 2.3.2 and 4.2.1.1

would be amended by the EU accordingly. After the TSI was amended, the UTP clauses concerned (2.3.2 and 4.2.1.1) could become full-width.

He concluded that the **document was ready for adoption** at CTE 10.

#### b) Revised UTP GEN-A - Essential requirements

Document: [TECH-16043 v2](#)

The working document

The **Secretariat** informed the meeting that all the changes compared to the previous version were highlighted in yellow. In addition to some editorial improvements, one change, already identified under the previous agenda item on TAF, was more specific. It concerned an omission in the English text of both EU and OTIF essential requirement 2.7.1, where the words “**customers of**” are missing in “...service for passengers and **customers of** carriers of goods, ...”. (FR and DE versions were correct).

The **representative of the EC** (Ainhoa San Martin) confirmed that this specific amendment would also be checked. She also proposed that, if the check were not completed before the CTE 10, the two column layout could be used instead, similarly to the principle explained in UTP TAF.

**CER** was of the view that it was very important to explain further the technical characteristics of the railway infrastructure and fixed installations, which appear in the right-hand column, instead of across two columns.

**RS** supported CER and suggested that the register on infrastructure should also be discussed, particularly if a new appendix (Appendix H) were to be created.

The **Secretariat** reminded the meeting that in 2009, it had been discussed and decided that the UTP should concern infrastructure only to the extent related to interfaces with the vehicles. CTE had therefore focused its work on the introduction of the vehicle-related requirements to facilitate international traffic. In general, requirements relating to the infrastructure were under the responsibility of the Member States.

With regard to this particular draft proposal for the revision of UTP GEN-A, the OTIF Secretariat focussed on the consequences of the fourth railway package only. It had not analysed the necessity or feasibility of extending the scope of the Essential Requirements relating to infrastructure and fixed installations.

Furthermore, the UTP GEN-A was applied within the context of ATMF, and ATMF was limited to the admission of vehicles to international traffic and their usage. Nevertheless, if Member States thought this topic needed to be discussed further, it should be done on the basis of a thorough analysis, which could be presented in a specific paper.

The **representative of the EC** highlighted the importance of maintaining equivalence between COTIF and EU law. At the same time, she agreed with the Secretariat that the alignment of vehicle authorisation within two legal systems was now on the agenda, rather than the extension of OTIF’s framework.

The **Chairman** summarised the discussion and noted that some of the requirements relating to the infrastructure might need to be developed further in the future. To this end, the OTIF Secretariat could be asked to analyse the two-column layout in UTP GEN-A and to present its findings in the specific document, which could then be discussed at a future WG TECH.

He noted that the revised UTP GEN-A, as proposed by the OTIF Secretariat, **was ready for adoption** at CTE 10.

#### c) Revised UTP GEN-B - Subsystems

Document: [TECH-16044 v2](#)

The working document

The **Secretariat** informed the meeting that version 1 of the document had already been reviewed by WG TECH 30. Besides some editorial improvements compared with the last version, the term “other railway material” had been deleted as this had also been deleted from ATMF.

As there were no additional comments, the **Chairman** noted that WG TECH considered that the **document was ready for adoption** at CTE 10.

#### d) Revised UTP GEN-C – Technical file

Document: [TECH-16045 v2](#)

The working document

The Secretariat informed the meeting that version 1 of the document had already been reviewed by WG TECH 30. Compared to that version, a small amendment had been made in order to be more precise and better aligned with UTP GEN-D (concerning assessment procedures) in which the issuing of declarations of verification is optional.

In practices, a declaration of verification may be drawn up on a voluntary or mandatory basis, depending on national requirements in the Contracting State.

Within the EU, this declaration of verification is mandatory and is signed off by the applicant. It acknowledges his full responsibility for the subsystem, in particular that it complies with all relevant requirements.

This possibility of mandatory or optional use of such declarations in States needed to be reflected correctly in UTP GEN-C.

The **representative of the EC** (Patrizio Grillo) agreed with the explanation and suggested that it would be beneficial if the consequences of these differences could be explored further within ATMF.

#### e) Revision or amendment

After the discussion on the revision of the three UTPs (GEN-A, GEN-B and GEN-C), the Secretariat explained that these UTPs could either be **replaced** or **amended**, within the meaning of Article 35 of COTIF.

If it were decided **to replace** the existing UTPs, the decision of the CTE would repeal the original UTPs and new, modified UTPs would replace the existing ones. If it were decided **to amend** the existing UTPs, the original UTPs would remain in force, albeit modified in accordance with the CTE decisions.

From the OTIF Secretariat's perspective, the most suitable way was to replace the UTPs concerned. The Secretariat's proposal was supported by WG TECH.

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

1. WG TECH discussed all four UTPs (TAF, GEN-A, GEN-B and GEN-C) and accepted the substance of the draft proposals to CTE 10
2. The UTPs were therefore ready for adoption at the CTE 10
3. The OTIF Secretariat would prepare the relevant decision documents in three languages.

## 6. DEVELOPMENT OF INTEROPERABILITY BEYOND THE EU

#### a) Aims of and procedures for the development

The Secretariat introduced the subject by reminding the meeting that this subject had first been discussed at the CTE 9 and subsequently in the WG TECH 29 and 30. The aim was to facilitate not only the exchange of vehicles, as fully covered by ATMF today, but also the cross-border operation of complete trains.

Interoperability beyond the EU could be broken down into two main subjects:

1. provisions to ensure the safe operation of trains
2. provisions regulating market access conditions

CTE and WG TECH were only discussing the first subject and the discussions should be seen in this context.

After previously exploring the possibility of extending the scope of the ATMF to cover the safe operation of trains, the OTIF Secretariat had concluded that extending the scope of ATMF would not be the right way forward and that it would be better to create a new Appendix. The main reason for this was that States may only enter reservations not to apply an Appendix in its entirety and not for parts of it. Creating a separate new Appendix would allow States to continue to apply ATMF, but not the new Appendix, if they so wished.

The Secretariat suggested that after being reviewed by WG TECH the draft working document would be submitted to the CTE 10 and, if supported, submitted to the 26<sup>th</sup> OTIF Revision Committee for discussion in early 2018. If the outcome of that discussion were positive, the new Appendix could be proposed for adoption by the General Assembly in September 2018. Following the General Assembly's decision, the new Appendix H to COTIF would also need to be approved by the OTIF Member States in accordance with Article 34 of COTIF before it could enter into force.

## b) Draft working document

Document: [TECH-17001](#)

The working document

The **Secretariat** had prepared draft working document TECH-17001 and explained its scope, structure within COTIF and basic principles. The document set out high level requirements for the operation of trains in international traffic, and in particular the safety certification of railway undertakings.

The new Appendix was intended to be applied by those States which already apply APTU and ATMF, as these set out the provisions concerning the States' mutual acceptance of rolling stock.

The draft proposal could be summarised as follows:

- All RUs and IMs operating trains in international traffic would be required to establish their safety management system (SMS).
- Each State would designate its national or international certification authority for the certification of RUs. The certificates would be issued by the authority on the basis of the annexes for implementing the requirements of the new Appendix H to COTIF.
- Safety Certificates of RUs would be valid on a State-by-State basis, but may be subject to mutual recognition between States if States so decided.
- On behalf of the State, the supervision authority<sup>2</sup> would supervise the correct application of the SMS of the RUs.

The **Chairman** thanked Mr Leermakers for the introduction of the document and opened the discussion.

**CH** welcomed the Secretariat's presentation and said it had been useful. He supported the aim of the new Appendix and recognised its added value. However, he was of the view that mutual recognition of safety certificates needed to be explicitly encouraged.

**FR** thought it was a good document and asked whether additional requirements for the safety certification of IMs would also be needed.

**ERA** wondered why separate safety certificates were needed for each State and how the mutual recognition of the safety certificates between non-EU OTIF MS and the EU could be dealt with.

**CER** welcomed the OTIF Secretariat's initiative and asked that the responsibilities of entities other than RU and IM also be covered, e.g. ECM, keepers and all other actors having a potential impact on safe operations.

**RS** supported the OTIF Secretariat's initiative. Like FR, he also wondered whether IMs should not also be subject to supervision, just like RUs. He also asked whether some additional requirements could be added, for example requirements concerning railway staff.

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<sup>2</sup> The supervision authority and the certification authority may be incorporated in the same organisation, but may also be separate.

The **representative of the EC** (Patrizio Grillo) welcomed the OTIF Secretariat's draft proposal for a new Appendix H to COTIF. He thought that the scope as defined in Article 1 corresponded well to the substance of the draft Appendix H. However, if WG TECH wished to extend the scope of draft Appendix H to cover the certification and supervision of infrastructure managers as well, then the scope would have to be modified as well.

**DE** agreed with the EC and stated that it was necessary to be clear on the aims of the new Appendix. Mutual recognition of safety certificates should be promoted as much as feasible for the benefit of the railway sector and Appendix H should be aligned with the EU Interoperability and Safety Directives. The entry into force of the new Appendix should coincide with the entry into force of subsidiary provisions, such as the CSM on monitoring and the CSM on supervision. In addition, independent accident investigation should be required and this may entail modification of Article 19 of ATMF. Finally, it should be ensured that States can only apply the new Appendix if they also apply APTU and, in particular, ATMF.

Based on the discussion, the **Secretariat** noted that Article 5 (safety certification of RUs) required more discussion. In particular, the duplication of work between different Certification Authorities should be avoided where possible. Therefore, provisions for the mutual recognition of safety certificates between the MS should be discussed further.

With regard to the safety certification of IMs, as most of the activities of IMs were geared toward national traffic, the **Secretariat** was of the view that it would be disproportionate to define in international law how the States must check competencies of their (own) IM. Unlike RUs, IMs do not cross borders and their activities take place in one State. On this basis, the Secretariat believed that the supervision of IMs could be regulated nationally.

The **Secretariat** agreed with CER that the roles of other actors<sup>3</sup> having a potential impact on safe operations should be investigated further and be correctly coordinated between the different Appendices.

Following the remarks of RS, the **Secretariat** was not convinced that requirements for train drivers should be included. It was not the aim of COTIF to harmonise working conditions, etc. In addition, it should not be assumed that every train has an on-board train driver, e.g. in the case of automatic train operation. The new Appendix should be neutral in this respect.

With regard to accident investigation as mentioned by DE, the **Secretariat** agreed that this was an important topic, but it also expressed its concern as to how all the necessary provisions relating to this topic could be defined.

It noted that at present, despite provisions in ATMF requiring so, States did not regularly share investigation reports with OTIF.

The **representative of the EC** (Patrizio Grillo) explained the reasons for the development of requirements for the safe operation of trains within the EU. The main objective was to create a single (EU) market, based on clear principles which would facilitate railway traffic and RUs' operations. To this end, it was important that the whole process of safety certification was harmonised within the EU. As a result, actors having a potential impact on safe operations would know how certificates were issued and the level of trust would be increased. With regard to safety certification in OTIF, it might be a good idea to analyse some other options, for example, recognition of the validity of the safety certificates issued by ERA, or by other MS, or to analyse the usage of the train driver licenses and certificates.

The **Secretariat** said its idea was to develop Appendix H so that each MS would keep control over the certification process of the RUs which operate on its territory. RUs would have to obtain safety certificates from each of the States where the RU wished to operate. However, the MS could decide to mutually recognise safety certificates issued by other MS. This mutual recognition could be based on a separate agreement, either as an Annex to the new Appendix or on a bilateral or multilateral basis.

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<sup>3</sup> Beside RUs and IMs, the responsibilities of the ECMs are already included in the ATMF

**RS** was of the view that the work of the RUs should be simplified as much as possible. He also thought that reaching an agreement between the EU and non-EU Member States on mutual recognition would be relatively time-consuming.

**CH** was not in favour of each MS issuing a separate safety certificate and wanted to promote mutual recognition. It reminded the meeting that mutual recognition was already common practice for wagons and therefore the legal principle of mutual recognition was already used in COTIF and could be applied in connection with the new Appendix too.

**DE** remind the meeting about ERA's enhanced role as a "one stop shop" authority for obtaining safety certificates in the EU which were valid for two or more EU MS.

The **Chairman** summarised the comments and noted that the proposal had initiated a detailed discussion. He invited the OTIF MS to send the Secretariat any comments they might have before 1 March 2017 and invited the OTIF Secretariat to amend the text as necessary in light of the discussion and any comments received before 1 March, and to submit a revised version to the next CTE.

## 7. UTP GEN-G<sup>4</sup>: DRAFT EXPLANATORY DOCUMENT

Document: [TECH-16037 v2](#)

Draft explanatory document

The **Secretariat** informed the meeting that, compared to the previous v1, the proposed modifications improved the text. Before the meeting the OTIF Secretariat had received comments from DE and ERA, which concerned:

- correction of the flowchart on the tasks of CSM AB: "Assessment whether the proposer correctly applied the risk management process and assessment of the results",
- deletion of the note in chapter 5 and
- clarification concerning the risk management process in chapter 7.

For this meeting, the Secretariat had prepared an updated v3 of the document which included all the amendments. The document would be submitted to the CTE 10 for discussion. The OTIF Secretariat would publish it on OTIF's website once it had been reviewed by the CTE.

In reply to **UNIFE**'s question as to whether the explicit risk estimation (as stated on page 6, bullet point iii) referred only to this UTP or UTPs in general, the **Secretariat** suggested that ERA should give its interpretation<sup>5</sup>. ERA agreed with the Secretariat's suggestion.

The **Chairman** concluded that ERA should provide input before 1 March 2017. The Secretariat would incorporate the ERA input into the text and the document would be reviewed by CTE 10.

## 8. DEVELOPMENTS IN EU REGULATIONS WHICH MAY AFFECT EQUIVALENCE WITH COTIF AND DISCUSSION ON NEXT STEPS

### a) EU noise reduction strategy

Document: [TECH-16041 v2](#)

Noise retrofitting and COTIF

For WG TECH 30, the **Secretariat** issued a comprehensive legal analysis of the possibilities for the mandatory retrofitting of old, noisy wagons with composite brake blocks (so they would become silent wagons). WG TECH 30 had requested the Secretariat to include some minor clarifications in the initial document, which had now been incorporated into the above-mentioned document.

<sup>4</sup> Uniform Technical Prescriptions General provisions – common safety method (CSM) on risk evaluation and assessment (RA) of 1.1.2014

<sup>5</sup> *Post meeting note: after checking internally and with the European Commission, ERA confirmed that the text should refer to "UTPs", as the design targets are defined by several TSIs.*

The **representative of the EC** (Patrizio Grillo) informed the meeting that the EC was still assessing legal possibilities other than the mandatory retrofitting of wagons. As an alternative to imposing retrofitting, the EC was considering the silent sections approach (i.e. silent freight corridors). He said that it was not clear at present how to define additional noise parameters, how to check and where to place them. The latter constraint was linked to the infrastructure register (RINF), which is not available outside the EU. He also informed the meeting that the EC was preparing a railway map at EU level, which would highlight the sections where noisy wagons would not be allowed to operate. He noted that some of the EU MS had already carried out some mitigation measures along their infrastructure, which also had to be taken into account.

The **Secretariat** welcomed this explanation of developments in the EU.

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

#### **b) Status update NVR developments**

The **Secretariat** informed the meeting of the latest developments. ERA's WP on the Rationalisation of the Vehicle-Related Registers (RVRR) had formally ended its work on 14 February 2017. In December 2016, ERA had issued a Recommendation on amending the specification for the NVR. The recommendation envisaged, among other things, that additional registration of vehicles coming from non-EU OTIF MS and registered in an NVR which is connected to the ECVVR would not be necessary and that under certain conditions, the transferral of registrations between different NVR would be allowed.

The RVRR working party was succeeded by ERA's WP on a future single European Vehicle Register (EVR) to replace the existing NVRs of EU Member States, which first met on 15 February 2017. During that meeting, the OTIF Secretariat had expressed the following position:

- The EVR should remain compatible with the connected individual NVRs of the non-EU OTIF MS.
- Registers kept by national and/or international authorities should be limited to administrative (not operational) purposes linked solely to the responsibilities of the authorities.
- The process for assigning new restriction codes should also take into account the input from non-EU OTIF MS.
- The transferral of vehicle registrations between vehicle registers should be clear.
- The joint OTIF/EU guides (e.g. application guide for VKM register) should be updated.

In addition to the information provided by the Secretariat, **ERA** (Richard Lockett) informed the meeting that there was an ongoing discussion within the EU MS on whether the EVR should be used for administrative (as it is today) and for real-time operational purposes. For the latter, he noted that more in-depth analysis would be required on how to protect data and how to ensure that the data in the register would be permanently available (7/24).

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

## **9. FOURTH RAILWAY PACKAGE: STATUS UPDATE ON ANALYSIS OF CONSEQUENCES AT THE LEVEL OF APTU AND ATMF**

#### **a) General information from ERA and EC**

The **representative of the EC** (Patrizio Grillo) informed the meeting of the latest developments with regard to the new framework for the adoption of TSIs, i.e. the implementing and delegated acts<sup>6</sup>. The drafting of the delegated act was ongoing and would result in the creation of the single document, which

<sup>6</sup> Objectives specific to each TSI are defined by a delegated act, and the content of TSI is to be adopted via an implementing act.

would then be followed by one month of public consultations within the EU. It was expected that the delegated act would be adopted by the EC by April or May 2017. The delegated act would then be reviewed by the European Parliament and the Council and if no objections were expressed, the revision of the current TSIs could start in the second half of 2017 at the earliest. The overall goal was to adopt all the necessary implementing legislation (for the implementation of the fourth railway package) before June 2018.

He also provided the meeting with more detail about the subjects that had priority within the EC: the single safety certification process, the new process for vehicle authorisation, the trackside control requirements (ERTMS), the rules of procedure of ERA, the fees and charges for issuing the relevant ERA certificates, the procedure for appeals by the applicant against ERA's decisions, as well as the templates for declarations, verifications, etc.

On behalf of WG TECH, the **Chairman** thanked Mr Grillo for his introduction and opened the discussion.

In response to the Secretariat's question as to what the approach would be if the non-EU OTIF MS were interested in ERA's assistance with regard to the review and approval of their ERTMS or for vehicle authorisation, **ERA** identified three options on how to deal with such interest; firstly, by applying the EU legislation, as in the case of Switzerland for example; secondly, by introducing the mutual recognition of certificates or lastly, by ERA's providing a specific contractual consulting service.

The **representative of the EC** confirmed that this subject was conditional upon ERA's willingness to work with the non-EU OTIF MS, who already applied the EU relevant legislation and had signed an international agreement with the EU, as a precondition.

The **Secretariat** suggested that ERA could become the ATMF competent authority of EU OTIF CSs after June 2019. This new role of ERA in the context of ATMF topic should be further analysed. The Secretariat had already sent an internal note to ERA on this subject. It offered to share the questions raised in this note with the CTE.

**ERA** confirmed that the Secretariat's note had initiated an internal discussion and that it would inform the WG TECH or CTE about its new role in the context of OTIF.

The **representative of the EC** (Patrizio Grillo) said it might be premature to discuss the new role of ERA at the next CTE 10, as it might not be possible to achieve the EC's common position on time. He agreed that as the subject related to ATMF, it could be discussed in detail at the WG TECH meeting.

The **Chairman** summarised the discussion so far and noted that ERA was most likely to become the competent authority of the EU MS within the meaning of Article 5 ATMF. He invited the OTIF Secretariat, EC and ERA to discuss the new role of ERA in the context of ATMF and subsequently to inform the CTE if any open questions remain. In addition, the OTIF Secretariat was invited to submit its views on this subject to the CTE for information, to which ERA and EC could react. Lastly, this subject could be discussed further within the scope of modification of the APTU and ATMF.

#### **b) Draft revised APTU**

Document: [TECH-17002](#)

#### **c) Draft revised ATMF**

Document: [TECH-17003](#)

### ***Process***

The **Secretariat** had prepared the two draft revised documents, i.e. the APTU document TECH-17002 and the ATMF document TECH-17003, where the proposed modifications compared to the versions adopted by the last General Assembly were shown in track changes.

The Secretariat explained the process for the revision of the APTU and ATMF. After WG TECH reviewed the documents, they would be reviewed by the CTE 10 and then proposed for adoption by the 26<sup>th</sup> OTIF Revision Committee, planned for early 2018.

As no General Assembly decision was required, the Secretary General would notify the decision of the 26<sup>th</sup> OTIF Revision Committee to OTIF MSs informing them that the revised APTU and ATMF would enter into force on the first day of the twelfth month following notification (probably the first half of 2019).

In response to the Chairman's question as to whether a specific decision of the CTE was necessary prior to the 26<sup>th</sup> OTIF Revision Committee's decision, the **Secretariat** said that the CTE 10 could issue a recommendation on the basis of which the 26<sup>th</sup> OTIF Revision Committee would adopt the relevant decision. It also thought that after the CTE issued its recommendation, there would be no need for the WG TECH to discuss this matter further.

### *Area of use*

**CER** asked about the concept of the "area of use" (as mentioned on page 10 of the draft revised ATMF). It asked whether area of use was a geographical or technical reference to the network for which the vehicle would be authorised.

Following a discussion, the **Chairman** summarised the discussion so far and noted that the document would use the definition of "area of use" as it appears in the Interoperability Directive.

### *Authorisation for placing on the market*

**RS** suggested that the EU's concept of "authorisation for placing on the market" should be explained further in ATMF.

The **Secretariat** reminded the meeting that ATMF Article 3a provided for EU-authorised vehicles being used outside the EU and ATMF-admitted vehicles being used in the EU. The new EU term 'authorisation for placing on the market' could be confusing if referred to in ATMF because the scope of ATMF did not include conditions for placing products on the market. Moreover, the old term 'authorisation for placing in service' remained relevant to vehicles first authorised under the old regime. The Secretariat therefore suggested only using the term 'authorisation' throughout ATMF and adding a definition in Article 2 of the meaning of authorisation. 'Authorisation' would then cover both EU concepts: 'authorisation for placing in service' and 'authorisation for placing on the market'.

**UNIFE** supported the Secretariat's proposal. However, she was of the view that the terms "authorisation" and "route compatibility" should be distinguished and clarified.

**CER** supported UNIFE and thought that route compatibility was part of the verification procedures for vehicle authorisation. CER said that the practical use of vehicles should be similar, no matter if they were subject to "admission" in accordance with COTIF or to "placing into service" in accordance with the EU legislation.

The **representative of the EC** (Ainhoa San Martin) reminded the meeting that when the vehicle was "placed on the market" in accordance with EU law, it could be operated on the EU network and be sold on the EU market. A vehicle admitted according to ATMF may be 'deemed as authorised for placing on the market', but this should be understood within the scope of ATMF, meaning that the vehicle could be used in the EU but not actually placed on the market or sold solely on the basis of ATMF.

**DE** was of the view that the admission of the vehicle should be related only to the features of the vehicle, and not be connected to the specific route. In practical terms, in addition to the manufacturer's checks, before the vehicle were to be used it would also have to be checked by the RUs.

The **representative of the EC** (Patrizio Grillo) agreed with DE and suggested that in order to maintain equivalence, the assumption in Article 3a of ATMF that "vehicle admission" was equivalent to "placing into service" needed to be updated. He agreed with the Secretariat that the concepts of admission and authorisation are not identical. From the EC's perspective, it might be necessary to adapt the meaning of technical admission within COTIF, and consequently to modify the ATMF slightly.

**CH** noted that if it were agreed to include the term "placing on the market" in ATMF, this would also mean adding some additional obligations (checks) for RUs, which might help to achieve the same level of assurance during the process of admission.

With regard to CER's request for clarification of the ATMF "Admission to operation" on one hand, and the EU's concepts of "placing a vehicle on the market" and "placing a vehicle into service" on the other, the **Chairman** suggested that although the processes of admission and authorisation differ, the result obtained would partly be the same, i.e. permission to operate the vehicles across borders. It should continue to be ensured that vehicles authorised in the EU should also be allowed to be used in the non-EU OTIF MS and vice versa.

The **Secretariat** supported the Chairman's explanation and noted that the aim should be to obtain an overview of the different authorisation cases in the EU and how each of them fits in with COTIF. It was of the view that Article 6 §§ 3 and 4 were already compatible with the concept of "area of use". If Article 6 § 3 applied, the vehicle had 'free circulation', equivalent to an area of use covering all Contracting States. If the vehicle was subject to Article 6 § 4, the area of use only covered the States for which the admission was valid.

However, it would not be correct to state in Article 3a of ATMF that the "Admission to operation" is equivalent to an authorisation to place a vehicle on the EU market, because these are different concepts. Therefore, the Secretariat proposed that it could prepare two options to modify ATMF:

- Modify Article 3a of ATMF with small amendments only, basically by replacing 'authorisation for placing in service' with 'authorisation for placing on the market'.
- Modify Article 3a ATMF more profoundly by deleting the concept that an ATMF admission is also deemed to be EU authorisation. A vehicle admitted to operation according to ATMF would be allowed to be used within its area of use, including, where relevant, EU States. The vehicle would be used in the EU based only on its ATMF admission (not because the admission was deemed equivalent to EU authorisation).

The second option would have two advantages. Firstly, it would avoid any ambiguity as to whether an ATMF admission is also an EU authorisation. Secondly, this approach would be more legally sound if other regional organisations (in addition to the EU) were to accede to COTIF.

#### *Other subjects*

**RS** asked whether the parameters, as referred to in Article 10 § 11, should be reflected in the vehicle's certificate. If so, then this point should be amended.

#### *Conclusion*

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

1. WG TECH noted that the term: "area of use" should be understood as it appears in Interoperability Directive, i.e. as a term that geographically identifies the network.
2. The Secretariat would propose for review by CTE 10 a draft revised ATMF on the basis of the document reviewed by WG TECH, with minor changes to Article 3a of ATMF.
3. The Secretariat could also draft an alternative proposal for Article 3a of ATMF with more profound changes. This could include considerations for further discussion in the context of Article 3a of ATMF and the interaction between ATMF and EU provisions. The discussions and further analysis concerning the note should be dealt with not at CTE 10, but at a later stage.
4. The Secretariat would prepare a separate note to the CTE 10 consisting of questions concerning the new role of ERA in the context of ATMF and the fourth railway package.

## 10. EU - OTIF EQUIVALENCE TABLE

Document [TECH\\_17004](#)

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 ongoing work would affect the equivalence table:

1. Recommendation on Rationalisation of Vehicle Related Registers (RVRR) sent from ERA to the EC. This Recommendation also concerned the NVR specifications
2. Introduction of the UTP TAF (not yet included in the table), and revision of the UTP GEN-A, GEN-B and GEN-C.

The **Chairman** noted the Secretariat's information on the updated version of the equivalence table without further comment.

## 11. NEXT SESSIONS

The 10<sup>th</sup> session of the Committee of Technical Experts will be held on 13 and 14 June 2017 in Bern.

The 32<sup>nd</sup> session of WG TECH will be held on 12 and 13 September 2017 in Lille or Brussels.

It was proposed to hold the 33<sup>rd</sup> session of WG TECH on either 5 and 6 December or on 12 and 13 December 2017 in Bern. To be decided later.

## 12. ANY OTHER BUSINESS

The **Secretariat** had submitted proposals to WG TECH for the agenda of CTE 10 ([Draft agenda for the CTE 10 Annex III](#)).

ERA suggested including a new point 4.8 under which the EU Rail MED Project would be presented<sup>7</sup>.

**Conclusion on item 12:** The **Chairman** noted that the draft agenda for CTE 10 was approved with the corrections requested during the meeting.

## CLOSING REMARKS:

The **Chairman** thanked all the participants for the productive discussion, the OTIF Secretariat for preparing all the documents on time, the Italian Ministry of Infrastructure and Transport for its excellent hosting, and closed the 31<sup>st</sup> WG TECH meeting.

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<sup>7</sup> Post meeting note: after bilateral discussion between ERA and the Secretariat it was agreed that this topic will be presented in item 7, Any Other Business, rather than in item 4.8

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**OSJD**

S'est excusé.  
 Hat sich entschuldigt.  
 Sent apologies.

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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 30<sup>th</sup> session of WG TECH
5. Comments from Member States on draft documents proposed for CTE 10 decisions:
  - a) Draft UTP TAF
  - b) Revised UTP GEN-A
  - c) Revised UTP GEN-B
  - d) Revised UTP GEN-C
6. Development of interoperability beyond the EU
  - a) Aims of the development
  - b) Draft working document
7. UTP GEN-G: draft explanatory document
8. Development in EU regulations which may affect equivalence with COTIF and discussion on next steps:
  - a) EU Noise Reduction Strategy
  - b) Status update NVR developments
9. Fourth railway package: status update on analysis of consequences at the level of APTU and ATMF
  - a) General information from ERA and EC
  - b) Draft revised APTU
  - c) Draft revised ATMF
10. EU-OTIF equivalence table
11. Next sessions
12. Any other business

**Draft agenda for the CTE 10****Annex III**

- 1. Approval of the agenda**
- 2. Presence and quorum**
- 3. Election of chairman**
- 4. For information:**
  - 4.1. Report from the Committee of Technical Experts' working group TECH
  - 4.2. Status of notifications of the national technical requirements according to Article 12 APTU
  - 4.3. Status of the development of the NVRs in the Contracting States
  - 4.4. Status update on interchangeable coaches
  - 4.5. Status of the development of freight noise abatement measures in the European Union
  - 4.6. The future role of the EU Agency for Railways concerning vehicle authorisation in the EU
  - 4.7. Cooperation with NB Rail
- 5. For adoption:**
  - 5.1. UTP TAF
  - 5.2. Modified UTP GEN-A
  - 5.3. Modified UTP GEN-B
  - 5.4. Modified UTP GEN-C
- 6. For discussion:**
  - 6.1. Interoperability beyond the EU: draft new Appendix H concerning the safe operation of trains in international traffic
  - 6.2. Draft modified APTU: proposal for a recommendation to the Revision Committee
  - 6.3. Draft modified ATMF: proposal for a recommendation to the Revision Committee
  - 6.4. Explanatory document concerning UTP GEN-G on a common safety method for risk evaluation and assessment
  - 6.5. Results of the RID/ATMF working group
  - 6.6. Accreditation and monitoring of Notified Bodies in the European Union and the relevance for COTIF
  - 6.7. CTE work programme 2017/18
- 7. Any other business**
- 8. Next session**