WG TECH

35th Session

Provisional Minutes

Received comments from: FR

Bern (Ittigen), 11-12.9.2018

TECH-18030-WGT35 – The Draft Minutes, 29 October 2018

WG TECH 35 SUMMARY

1. Approval of the agenda

WG TECH 35 adopted the agenda submitted in document TECH-18021 dated 11.7.2018.

2. Information from the OTIF Secretariat

a. General information

The meeting was informed about the decisions of the 26th Revision Committee and CTE 11 and main items of the agenda for GA 13 were announced.

b. Status of the vote by written procedure concerning the amendments to UTP GEN-B and UTP TAF

The EC provided information on its ongoing inter-service consultation process, which will aim to meet the deadline of 30.11.2018 for the vote by written procedure.

3. Election of chair

The CTE elected Switzerland, in the shape of Mr Roland Bacher, to chair this session.

4. Approval of the minutes of the 34th session of WG TECH

The minutes of the 34th session of WG TECH, as amended according to comments received before the meeting, were approved with an editorial correction requested by CER at the meeting.

5. Preparation of documents for the Committee of Technical Experts:

a. WG TECH discussed the draft UTP covering infrastructure set out in document TECH-18025 and the way forward. WG TECH was of the view that:

– The provisions should be developed in the form of a UTP, as proposed.

– The UTP could be binding as long as the Contracting States could decide to which lines the UTP would or would not apply.

– The UTP could set out guidelines, which could help states when deciding on which railway lines to apply the UTP.

– In the context that states would be responsible for deciding on the application of the UTP to specific lines, the specifications in the UTP could be developed in two categories: mandatory (binding) and recommended (non-binding). This should allow states to apply the UTP provisions with derogations, if required by local circumstances.

– It would be useful for international traffic if a list of UTP compliant lines were to be published.

6. For discussion:

a. TAF – process to ensure continued equivalence between the UTP and the TSI

– WG TECH discussed document TECH-18026

– WG TECH accepted the proposed way forward and agreed that regular TAF UTP updates could follow the described procedure

– WG TECH asked that chapter 3 of the document be modified, bearing in mind that the RID Committee of Experts must be informed of the modifications to the TAF TSI, as some of the TAF TSI provisions would be included in the 2019 edition of RID. The OTIF Secretariat took note of this request.

b. National Technical Requirements – analysis of the need for further action

- WG TECH discussed document TECH-18023

- Delegates expressed support for the objectives of the proposals described in the document, so as to make national requirements more transparent

- However, delegates were of the view that the proposed way forward, i.e. to publish national technical requirements in the form of specific cases only, might be too ambitious

- WG TECH proposed that additional analysis concerning the notification of NTRs would be carried out by the Secretariat

- This subject and a new proposal will be discussed at the next WG TECH meeting.

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

a. Developments concerning the national vehicle registers (NVR) and the EU vehicle register (EVR) and their compatibility with COTIF

- ERA presented to WG TECH developments within the EU with regard to the registers

- WG TECH noted that the EU would discontinue national vehicle registers and would migrate to a single European vehicle register (EVR)

- WG TECH underlined that connectivity between the EVR and the NVRs of non-EU states should be preserved, as otherwise, traffic from and to the EU could become more difficult

- WG TECH noted ERA´s request to be informed about the needs of the non-EU OTIF CS in order to maintain the connectivity and functionality between their NVR and the future EVR

- WG TECH asked DG MOVE and ERA to propose possible solutions to supplement standard software and translation engines in order to ensure connectivity between the EVR and other non-EU NVRs.

b. Freight noise abatement – status update and relevance to COTIF

- WG TECH noted the development with regard to freight noise abatement

- ERA´s recommendation for a revision of the NOI TSI was published in June 2018 and would be discussed at the EC expert group (consisting of representatives of MS and the sector) at the end of September 2018. It is expected to be submitted to RISC 83 in November 2018 for a vote.

c. Route compatibility – status update on modifications to LOC&PAS TSI and the WAG TSI and developments concerning the RINF and ERATV registers

- DG MOVE informed the meeting of developments in the EU with regard to "route compatibility checks" within the framework of the Fourth Railway Package and the development of related provisions in the TSIs concerning vehicles and infrastructure and the OPE TSI.

- DG MOVE informed the meeting that modifications to the LOC&PAS TSI, WAG TSI, ENE TSI, CCS TSI, SRT TSI, INF TSI, OPE TSI, ERATV and RINF are expected to be submitted in one package for adoption in January 2019.

8. Cross reference table of EU and OTIF terminology

The Secretariat presented the updated version of the cross reference terminology table. WG TECH took note of the table as presented. WG TECH members were invited to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

9. EU-OTIF equivalence table

The Secretariat presented the updated version of the equivalence table and asked WG TECH members to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

10. Next sessions

WG TECH agreed that the next WG TECH (WG TECH 36) would be held in Brussels and would be hosted by the European Commission on 27 and 28 November 2018.

11. Any other business

As this was the last OTIF meeting which Mr Roland Bacher (CH) would attend in view of his imminent retirement, WG TECH and OTIF Secretariat thanked him wholeheartedly for his excellent chairmanship of the last 9 CTE and 30 WG TECH meetings and wished him all the best for the future.

DISCUSSION

Welcome by the OTIF Secretariat

Mr Bas Leermakers (Head of OTIF's technical interoperability department) welcomed the participants (List of participants Annex I), particularly those attending the session for the first time: Mr. Coverdale from GB, Mrs. Polo from the European Commission (EC) and Mr. Nagy from the European Union Agency for Railways (ERA), and opened the 35th session of WG TECH in Bern. On the second day, Mr Piron from ERA joined the meeting.

Welcome by the host (Swiss Federal Office of Transport – BAV)

Mr. Bacher, representing BAV, warmly welcomed the delegates. He informed the meeting about the structure of BAV, its scope of work and the Swiss railway system in general. Mr. Bacher highlighted the importance of COTIF and technical harmonisation and interoperability in Switzerland and wished all the participants success with the meeting.

1. APPROVAL OF THE AGENDA

The **Secretariat** explained that the provisional agenda had been sent with the invitation to participants on 11 July 2018 (circular TECH-18021). Since there were no objections, the agenda was adopted accordingly.

Conclusion: WG TECH approved the agenda for the 35th session (Annex II).

2. INFORMATION FROM THE OTIF SECRETARIAT

a. General information

The **Secretariat** informed the meeting that the revised APTU UR and ATMF UR had been notified on 20 March 2018. No objections had been received by the deadline of 20 July, so the provisions would enter into force on 1 March 2019.

It also informed the meeting about the results of CTE 11. CTE 11 had endorsed an explanatory document concerning the procedure for UTP adoption and notification and had noted the establishment of the working group for legal experts. CTE 11 had also decided to vote using the written procedure in order to modify the UTP GEN-B and UTP TAF. Lastly, CTE 11 had mandated WG TECH to develop proposals for suitable and feasible COTIF provisions covering infrastructure and had requested WG TECH, in close partnership with ERA, to develop parameters concerning facilitation of route compatibility checks.

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 (34th) WG TECH meeting.

The Secretariat also announced the main agenda items of the 13th General Assembly as follows: Partial revision of the base Convention and Appendices CIM, CUI and ATMF, new Appendix H to the Convention, general discussion regarding the need to harmonise access conditions, election of Administrative Committee for the period 2018-2021 and election of the Secretary General.

b. Status of the vote by written procedure concerning the amendments to UTP GEN-B and UTP TAF

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

- 20 August 2018 – CTE Chair and OTIF Secretariat sent the Member States the circular letter

- 30 November – the deadline for those Member States that are entitled to vote to submit their vote to the Secretary General

- by the end of 2018 – the results will be notified to the members of the CTE

- 1 June 2019 – the modified UTP GEN-B and UTP TAF would enter into force, if the result of the vote is positive.

In order to explain the process of the vote by written procedure, the Secretariat presented a diagram which is annexed to these minutes (Annex III). It 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 (Ms. Alice Polo) informed the meeting of the EC´s ongoing inter-service consultation process, which aims to meet the deadline of 30.11.2018 for the vote by written procedure.

3. ELECTION OF CHAIR

According to the procedure, the **Secretariat** asked delegates for nominations for the chair. The Secretariat proposed Mr Roland Bacher (Switzerland) to chair the session. There were no other nominations. Mr Bacher accepted the nomination and WG TECH unanimously elected Switzerland, in the shape of Mr Roland Bacher, to chair this session.

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

4. APPROVAL OF THE MINUTES OF THE 34TH SESSION OF WG TECH

Document: WG TECH 34 PVM   Provisional Minutes of the 34th session

On 11 May 2018, the **OTIF Secretariat** sent the provisional minutes to delegates who had attended the 34th session of WG TECH (6-7 February 2018, Belgrade). For the attention of WG TECH 35, the Secretariat had uploaded a version of the provisional minutes with the comments received before 10 August 2018. Comments were received from DE and ERA. The aim of the changes requested was to reflect more clearly what was said at the meeting, without altering the substance. At the meeting, CER requested an editorial correction on page 14, which was made at the meeting. The minutes, including the amendments, were subsequently approved.

Conclusion: The minutes of the 34th session of WG TECH, as amended according to comments received before the meeting, were approved with an editorial correction requested by CER at the meeting.

5. PREPARATION OF DOCUMENTS FOR THE CTE:

a. Draft UTP covering infrastructure

Document: TECH-18025   Draft UTP subsystem infrastructure

The **Secretariat** reminded the meeting that CTE 11 had agreed with the strategy paper TECH-18012: "Development of provisions covering infrastructure" and had mandated WG TECH to develop a proposal. The Secretariat presented the context, background and the basis of the draft UTP INF:

- The starting point for the draft was INF TSI, Commission Regulation (EU) No 1299/2014 of 18 November 2014 on the technical specification for interoperability relating to the "infrastructure" subsystem of the rail system in the European Union (Official Journal of the EU: OJ L 356, 12.12.2014, p. 1–109)

- Chapter 0 sets out the purpose and equivalence with the relevant EU provisions, i.e. how this UTP is related to the provisions of TSI

- The scope was limited to lines intended to be used for international traffic and to parameters that are relevant in terms of compatibility with vehicles

- The admission of infrastructure and supervision of its maintenance was excluded from the scope of COTIF (Article 8 § 2 of ATMF[1])

- The UTP INF specifications are non-binding, but are recommended

- A simplified 2-column layout was used, reproducing, for information only, the EU INF TSI provisions where they differ in substance from the UTP. Where the differences between UTP INF and INF TSI are editorial, or are not substantive, the INF TSI texts were not reproduced.

With regard to the substance, the Secretariat explained that UTP INF *included*:

- Technical requirements concerning the interface between infrastructure and vehicles

- Specific assessment methods necessary for the harmonised conformity assessment with the technical requirements

- A recommendation to CS to safeguard the interfaces with other relevant subsystems and maintenance.

However, the UTP INF *excluded* the responsibilities related to conformity assessment procedures, i.e. application of modules, and transitional provisions, bearing in mind that the provisions are non-binding.

The **Chair** thanked Mr. Leermakers for the introduction to the document and opened the discussion.

FR (Cécilia Le Gal) welcomed this new document and supported the secretariat's approach aimed at harmonising infrastructure requirements to ensure rail interoperability and safety between neighbouring OTIF states. Although the requirements of a UTP are applicable to the design of infrastructure, FR welcomed their application being limited to international traffic. Nevertheless, FR asked the secretariat about the definition of international traffic and the definition of the parameters for classifying a line as international or not and asked the secretariat to provide additional information regarding this aspect. Finally, in view of a longer-term approach and in order to facilitate the task of a potential "applicant", FR wondered how it would be possible to select the requirements strictly applicable to the interface between the vehicle and the infrastructure.

GB (Vaibhav Puri) asked for clarification of *compatibility with lines*, i.e. did this refer to technical compatibility or functional compatibility? Furthermore, he wondered whether the compatibility (between vehicles and infrastructure) would be confirmed by the 3rd party assessment (Assessing Entity, or for the EU: NoBo, DeBo), which part of the assessment would be acceptable, and how it was embedded in the scope of COTIF.

The **Secretariat** explained that within the meaning of this UTP INF, *compatibility* meant *technical compatibility,* and not route compatibility, which is a task of the RU after the vehicle has been authorised. Responsibilities linked to the admission of infrastructure would not be specified in the UTP as, according to ATMF Article 8, this remained subject to the provisions in force in each state.

The discussion identified the following subjects that needed further reflection:

The legal form of the provision linked to requirements and recommendations

The **Secretariat** explained that after the working document (draft UTP INF) had been published, further discussions had suggested that the approach of a non-binding UTP might be misleading and might not be the best way forward. Therefore, an alternative approach had been suggested, whereby the main technical provisions of the UTP INF would be binding. However, states would be free to decide which lines/projects the UTP INF would apply to.

In this context, the Secretariat suggested that the provisions of the EU INF TSI could be taken over in the following way:

- Provisions concerning construction etc. would be taken over as binding

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[1] "*Admission of infrastructure and supervision of its maintenance remain subject to the provisions in force in the Contracting State in which the infrastructure is located.*"

- Specific assessment procedures, e.g. to measure a value in a standardised way, would be taken over as binding

- Provisions related to maintenance and management of maintenance would be taken over as recommended practices

- Responsibilities related to assessments would either be taken over as recommended practices or would not be taken over.

DE (Michael Schmitz) suggested that it would be useful to recommend that CSs apply UTP INF to all lines *which are substantially used for international traffic*. It would remain open which specifications would be applied in the case of upgrade or renewal of the line for international traffic.

CER (Christian Chavanel) supported the new proposal. However, he suggested that there should be guidelines for CSs to decide to which lines the UTP would apply on, i.e. lines which are substantially used for international traffic. In addition, newly built lines for international traffic should be in accordance with UTP INF. Otherwise, in his view, the term "requirements" should be replaced by the term "recommendations". Lastly, if it were decided to develop a COTIF network, in his view all UTP INF provisions should become mandatory.

CH (Christophe Le Borgne) wondered whether guiding principles would safeguard the aim of the UTP, i.e. everything that is needed for infrastructure to support international traffic on CSs' networks. It might be that OTIF would need to develop other requirements, e.g. for track gauges other than the nominal track gauges as noted in point 4.2.4.1. of the draft UTP.

NB Rail (Francis Parmentier) reminded the meeting that at EU level, the TSI requirements are mandatory and related to the new lines, while application to existing lines was voluntary. He agreed with CER that all UTP INF provisions should be mandatory if it were decided to develop the COTIF network.

The **representative of the EC** (Ms. Alice Polo) noted that if the UTP INF provisions become mandatory, some transitional provisions and possible derogations required by local circumstances would be necessary. She wondered whether such derogations are possible under COTIF.

DE (Michael Schmitz) suggested that derogations should be avoided and chapter 7 of the UTP INF should instead be used to allow for step-by-step implementation. He did not support UTP INF being applied partially. In his view, voluntary technical specifications would only be a first step and full application of the UTP INF should become the norm.

GB (Vaibhav Puri) reminded the meeting that TSIs provide mandatory provisions, but also include specific cases and open points.

The **Secretariat** reminded the meeting that by becoming a member of OTIF, CSs implicitly expressed the will to promote, improve and facilitate international traffic, so there was an implicit assumption that states wish to harmonise. Nevertheless, if a state wished to develop its infrastructure partly or fully on the basis of what is set out in the UTP, COTIF would not prevent it from doing so. However, in case of derogations, in accordance with Article 15a § 4 of ATMF, the infrastructure manager must *make available, as far as necessary for operation, to any rail transport undertaking operating on its network, the elements relating to the infrastructure characteristics*.

The **Chair** summarised the discussion so far and noted that WG TECH agreed with the new proposal for a legal form of UTP INF requirements proposed by the OTIF Secretariat and that the specifications within UTP INF would be developed in two categories: mandatory (binding) and recommended (non-binding). On the basis of the corresponding OTIF principles, CSs would be free to identify which existing lines are substantially used for international traffic and to decide which lines the UTP would or would not apply on. The Chair also noted that the specification of interfaces between infrastructure and vehicles was a priority, while the principles on how to define lines that might lead to the development of the COTIF network were to be examined at a later stage. He also noted that the terms "derogation", "obligation" and "deviation", although discussed, would not be elaborated further. It should be possible for the CSs to apply the UTP provisions with derogations if required by local circumstances. Lastly, one of the aims should be to involve more closely the non-EU OTIF CS in developing the UTP INF.

Technical scope linked to the definition of Interoperability Constituents (IC) and technical compatibility

GB (Vaibhav Puri) was concerned that requiring CSs to declare all UTP compatible lines might be difficult, especially for existing lines. In his view, explicit conditions should be defined to make it obvious where UTPs will be applied.

With regard to whether it was necessary to clarify further the Interoperability Constituents (IC) in the meaning of the UTP INF, **CER** (Christian Chavanel) suggested that this should be left for the first revision of the UTP in the future, bearing in mind that on the EU side, INF TSI would be revised in 2019. He also suggested that the technical scope should be described at the beginning of the UTP INF, rather than mentioning it in Chapter 7.

Categories of lines

DE (Michael Schmitz) asked whether these infrastructure requirements related to the construction of new lines, or whether it would also be possible to declare existing lines as compatible with the UTP. If the latter were the case, he wondered whether the lines concerned could be registered as being compatible with UTP INF and published for the convenience of RUs.

The **Secretariat** explained that the requirements would relate to both existing lines and projects and that the Contracting States (CS) could also be invited to declare that existing lines are compatible with UTP INF.

If CSs are invited to identify the lines, **GB** (Vaibhav Puri) wondered whether identification of the lines should be based on OTIF´s defined principles. In his view, the CSs should define an implementation plan and inform other CSs about it.

The **representative of the EC** (Ms. Alice Polo) thought that CS should be free to identify lines opened for international traffic, i.e. lines to which the UTP would apply.

The **Secretariat** was of the view that it is possible to develop guiding principles in UTP on the basis of which CSs could establish that an existing line is UTP compatible. However, the obligation to notify such information seemed to be outside the scope of ATMF. If it were necessary to define a COTIF network, this subject should be addressed to the CTE, which could prepare a proposal for the Revision Committee.

Route compatibility checks

The **representative of the EC** (Ms. Alice Polo) confirmed that it was planned to adopt INF TSI in January 2019 as an amendment to the existing INF TSI. The amendment would include one legal document with annexes that would follow changes in accordance with the Fourth Railway Package. She also explained that the amendment of the OPE TSI would include route compatibility provisions in the form of a new appendix.

Two-column layout

The **Secretariat** pointed out that it had used a two-column layout, reproducing in the right-hand column, for information only, the corresponding EU texts. This was the general principle used for other UTPs as well. The difference compared to other UTPs was that now, only text that was different in substance was shown in two separate columns, whereas differences of an editorial nature were not. WG TECH agreed with the proposed use of the two-column layout.

The **Chair** summarised the discussion and concluded as follows:

1. The provisions should be developed in the form of a UTP, as proposed.

2. The UTP provisions could be binding as long as the Contracting States could decide to which lines the UTP would or would not apply.

3. The UTP could set out guidelines, which could help states when deciding on which railway lines to apply the UTP.

4. In the context that states would be responsible for deciding on the application of the UTP to specific lines, the specifications in the UTP could be developed in two categories: mandatory (binding) and recommended (non-binding). This should allow states to apply the UTP provisions with derogations, if required by local circumstances.

5. It would be useful for international traffic if a list of UTP compliant lines were to be published.

6. FOR DISCUSSION:

a) TAF – process to ensure continued equivalence between the UTP and the TSI

Document: TECH-18026   Draft proposal

The **Secretariat** had prepared draft proposal TECH-18026. It reminded the meeting that the process for updating changes in ERA´s Technical Documents (to which UTP TAF refers) differs between the EU and OTIF. It highlighted that maintaining the established equivalence between the relevant UTPs and TSIs is becoming a more important part of the work. In order to ensure continued equivalence, allow non-EU OTIF CS to be able to monitor and apply the changes within the scope of COTIF and to provide timely communication between EC/ERA and OTIF Secretariat, the Secretariat proposed the following:

- To establish a formalised process, as follows:
    - Each February, ERA submits to WG TECH a document describing the objective of the CCM Changes
    - On the basis of ERA's document, the OTIF Secretariat drafts a CTE proposal for decision in three languages, to be published in April each year
    - Once adopted by CTE in June, the Secretary General notifies the CS of the changes before 1 July
    - The changes would enter into force on 1 December of the same year for non-EU OTIF CS.
- The process should be simple and comply with the timelines and rolling plans for both the Change Requests at ERA and the decision-making within OTIF.

The diagram of the proposed process for changing the UTP TAF is attached to these minutes (Annex IV).

The **Chair** thanked Ms. Price for the introduction to the document and opened the discussion.

ERA (Christoph Kaupat) welcomed the paper and agreed with the suggested way forward. He also suggested that chapter 3 of the document should be modified, bearing in mind that the RID Committee of Experts needs to be informed about the modifications to TAF TSI, as some of the TAF TSI provisions had been included in the 2019 edition of RID.

ERA (Kornel Nagy) also welcomed the possible alignment of the two processes. He wondered whether it was sufficient just to publish the relevant technical documents on ERA´s website.

The **Secretariat** explained that CS would be in a position to implement the changes more quickly. With regard to the references to the technical documents published on ERA´s website, these documents have to have a unique combination of reference and version/date. Referring to the ERA website or to an ERA document without the reference and version/date was not possible from a legal point of view because an ERA document does not automatically modify provisions under COTIF, i.e. the UTP TAF in this case. Only the competent OTIF organ can modify provisions under COTIF. The Secretariat also pointed out that in addition to the legally sound publication, there were also practical reasons behind this approach.

With regard to taking into account the RID Committee of Experts, the Secretariat informed the meeting that this could be done in the form of a footnote.

FR (Ms. Cécilia Le Gal) supported the OTIF Secretariat´s proposal.

The **Chair** summarised the discussion and concluded as follows:

1. WG TECH discussed document TECH-18026

2. WG TECH accepted the proposed way forward and agreed that regular TAF\ UTP updates could follow the described procedure

3. WG TECH asked that chapter 3 of the document be modified, bearing in mind that the RID Committee of Experts must be informed of the modifications to the TAF TSI, as some of the TAF TSI provisions would be included in the 2019 edition of RID. The OTIF Secretariat took note of this request.

b) National Technical Requirements – analysis of the need for further action

Document: TECH-18023   Analysis of the need for further action

Based on the task given by CTE 11, the **Secretariat** had prepared document TECH-18023, i.e. the analysis of the need for further action concerning NTR, including possible modification of the provisions of APTU Articles 12 and 13. The analyses included a review of past and current practices related to the admission of vehicles and the notification of the NTRs. The Secretariat pointed out that when a new UTP enters into force or is revised, the NTR become obsolete unless they are notified. However, if an NTR is not notified, it may still exist in a CS. The document proposed the following way forward:

- NTRs should not exist for vehicles, with two exceptions:
    - NTRs concerning parts of vehicles which are not covered by UTPs (i.e. on-board CCS)
    - NTRs referred to by specific cases in chapter 7 of a UTP (e.g. network specific tests)
- The vehicle provisions required by states which replace or supplement provisions of a UTP should not become NTRs, but specific cases in chapter 7 of the same UTP
- To take into account the difference between the scope and aims of the NTRs under COTIF and the Notified National Technical Rules (NNTRs) defined in EU law
- The specific cases should indicate how conformity should be assessed and, if this cannot be done by any assessing entity, who can do it
- For the additional admission of (older) pre-UTP vehicles, states could work on the basis of Article 6 § 4 of ATMF without notifying NTRs for this purpose.

The **Chair** thanked Mr. Leermakers for the introduction to the document and pointed out that the aim of the proposal was to ensure that all references and requirements were in one place. He then opened the discussion.

FR (Ms. Cécilia Le Gal) supported the OTIF Secretariat´s initiative and asked how the NTRs would be compiled and whether there would be a timeframe to achieve this.

The **Secretariat** explained that it would be managed within the timeframe of the CTE´s work. In practical terms, the CS would submit their proposals to CTE for inclusion of the NTRs in the UTP concerned. Furthermore, if the proposals were approved, this would entail modification of APTU and ATMF.

GB (Vaibhav Puri) supported the initiative, but pointed out that NTRs would remain in some CS due to specific features of the national legal framework. He explained that there are three different layers of requirements: open points and specific cases (alternative national requirements) which had been already included in the UTPs, and the third layer of requirements that are not prescribed in the UTPs, for example, the technical compatibility with non-UTP conform vehicles.

The **Secretariat** was of the opinion that a three-layer approach, as explained by GB, was not applicable in COTIF because its provisions refer to compatibility with systems.

ERA (Olivier Piron) welcomed the initiative. He agreed with the Secretariat that the scope of technical requirements within the EU is broader than in COTIF. He also informed the meeting that together with ERA, the EC was reviewing the NTRs of the EU MS and trying to eliminate those which are redundant or contradictory to EU legislation. As a result, this so-called "cleaning up process" had significantly reduced

the number of national rules from 14,000 to 1,000. He wondered whether OTIF intended to carry out the same process and if so, ERA would be happy to share its experiences.

CER (Christian Chavanel) was of the view that all the NTRs should be visible and accessible to the RUs (users), but not all of them were suitable to be transferred into UTPs because they were not permanent NTRs.

NB Rail (Francis Parmentier) pointed out that Specific Cases should indicate the Assessing Entity. The Secretariat explained that in the framework of COTIF, in many CS the Assessing Entity referred to in EU legislation was only one competent authority.

DE (Michael Schmitz) thanked the OTIF Secretariat for the proposal. In his view, it might be too ambitious to coordinate NTRs in two different systems, as this could result in some problems. Like CH, he asked whether this proposal would lead to the creation of another annex to UTP.

The **Secretariat** explained that the objective of this proposal was to make the NTRs more visible and transparent to CS and to inspire non-EU CS to be more active in notifying their technical requirements to the Secretary General. The purpose of this proposal was not to change NTRs.

The **representative of the EC** (Ms. Alice Polo) clarified that NTRs are only applicable if the TSI/UTP applies, but during their cleaning up process, they had encountered problems with some NTRs that still exist despite the TSI requirements. She confirmed that the EC would be pleased to share feedback on this process with ERA.

The **Secretariat** took note of the remarks and suggested that it might be useful to carry out an additional analysis concerning the notification of NTRs, with the aim of explaining the reasons why the non-EU OTIF CS do not notify their NTRs to OTIF. The situation in the EU within the scope of ERA was not the same as that outside the EU. So far, the non-EU CS had not indicated any problems with non-notified NTRs.

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

1. WG TECH discussed document TECH-18023

2. Delegates expressed support for the objectives of the proposals described in the document, so as to make national requirements more transparent

3. However, delegates were of the view that the proposed way forward, i.e. to publish national technical requirements in the form of specific cases only, might be too ambitious

4. WG TECH proposed that additional analysis concerning the notification of NTRs would be carried out by the Secretariat

5. This subject and a new proposal would be discussed at the next WG TECH meeting.

7. DEVELOPMENTS IN EU REGULATIONS WHICH MAY AFFECT EQUIVALENCE WITH COTIF (PRESENTED BY ERA AND DG MOVE)

a) Developments concerning the national vehicle registers (NVR) and the EU vehicle register (EVR) and their compatibility with COTIF

ERA (Christoph Kaupat) presented an overview of the current ECVVR connection status. The following non-EU OTIF CS are connected to the ECVVR: Serbia and Turkey, using a standard NVR (sNVR)[2], and Switzerland, using the NVR Translation Engine (NVR-TE). In 2017 Montenegro connected to the ECVVR, but the contact would have to be re-established. He informed the meeting about the future scenario of the EVR and highlighted that from 16 June 2021, the sNVR software and the NVR-TE would

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[2] Standard NVR is a software developed by ERA for EU MS and later also used by some of the non-EU OTIF CS. Bosnia and Herzegovina and Montenegro have also purchased ERA´s software, but their connection to the ECVVR was temporarily interrupted.

be discontinued and no longer maintained. However, the EVR Decision allowed for non-EU OTIF CS to be connected to the future EVR.

CH (Roland Bacher) asked whether this EVR Decision meant that the EVR would be centralised or decentralised, and whether the data would be entered into the EVR by the MS or whether the data would be migrated from the MSs' NVR.

ERA (Christoph Kaupat) explained that the data in the existing NVRs would be migrated, but that no technical solution for this had yet been developed. He also invited non-EU OTIF CS to inform ERA of their requirements and requests in order to maintain the connectivity and functionality between their NVR and the future EVR.

The **Secretariat** was of the view that it is in the interest of both EU and non-EU states that the data on vehicles used internationally can continue to be retrieved by the relevant authorities, organisations and companies. The OTIF Secretariat suggested that the future EVR could be seen as a single, central NVR covering all EU Member States. However, the obligation to ensure connectivity between vehicle registers within the meaning of COTIF would not be affected by the development of the EVR. The Secretariat suggested that it should be discussed further and agreed at OTIF level how the VVR function will continue to be guaranteed after 2021. The Secretariat suggested that, as the EU is changing its system, it should propose a way forward to ensure connectivity.

The **representative of the EC** (Ms. Alice Polo) confirmed that discussion about the relevant software was ongoing within EU and that it would be useful if the non-EU OTIF CS could make known their requirements and requests in order to facilitate the discussion.

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

1. ERA presented to WG TECH developments within the EU with regard to the registers

2. WG TECH noted that the EU would discontinue national vehicle registers and would migrate to a single European vehicle register (EVR)

3. WG TECH underlined that connectivity between the EVR and the NVRs of non-EU states should be preserved, as otherwise, traffic from and to the EU could become more difficult

4. WG TECH noted ERA´s request to be informed about the needs of the non-EU OTIF CS in order to maintain the connectivity and functionality between their NVR and the future EVR

5. WG TECH asked DG MOVE and ERA to propose possible solutions to supplement standard software and translation engines, in order to ensure connectivity between the EVR and other non-EU NVRs.

b) Freight noise abatement – status update and relevance to COTIF

The **representative of the EC** (Ms. Alice Polo) informed the meeting about the latest developments with regard to the recommendation concerning the amendment of Commission Regulation (EU) No 1304/2014 concerning the technical specification for interoperability relating to the subsystem 'Rolling stock – noise' (NOI TSI) since 2018.

On behalf of WG TECH, the **Chair** thanked Ms. Polo and concluded this item as follows:

1. WG TECH noted the development with regard to freight noise abatement

2. ERA´s recommendation for a revision of the NOI TSI was presented in June 2018 and would be discussed at the EC expert group (consisting of representatives of MS and the sector) at the end of September 2018. It was expected to be submitted to RISC 83 in November 2018 for a vote.

c) Route compatibility – status update on modifications to LOC&PAS TSI and the WAG TSI and developments concerning the RINF and ERATV registers

The **representative of the EC** (Ms. Alice Polo) informed the meeting about the latest information on vehicle authorisation and route compatibility checks under the Fourth railway package. She explained the process and responsibilities in terms of vehicle certification, authorisation, placing on the market, placing

in service and supervision (Annex V). Lastly, she informed the meeting that the following subjects would be dealt with at RISC 84 (planned to be held in January 2019): LOC&PAS TSI, WAG TSI, OPE TSI, ENE TSI, INF TSI, CCS TSI, SRT TSI, RINF and ERATV.

ERA (Olivier Piron) pointed out that the new process for vehicle authorisation in the EU included network compatibility checks referred to as *technical compatibility* (including tests on infrastructure) The other type of compatibility check concerned *route compatibility*, where the compatibility of the (already authorised) vehicle is checked against the route where the vehicle would operate. For the latter, the check is done under the sole responsibility of RUs in conjunction with RINF parameters. With regard to the IMs´ and RUs´ responsibilities and obligations, in terms of route compatibility checks complementary provisions in OPE TSI would be developed.

CER and **GB** were both concerned that RINF was not mature enough to list all the data necessary for the route compatibility checks. NTRs were not included in RINF either.

ERA (Kornel Nagy) informed the meeting that ERA was planning to amend TAF TSI and invited the non-EU OTIF CS to send or delegate their representatives to ERA´s meetings.

On behalf of WG TECH, the **Chair** thanked Ms. Polo and concluded this item as follows:

1. DG MOVE informed the meeting of developments in the EU with regard to "route compatibility checks" within the framework of the Fourth Railway Package and the development of related provisions in the TSIs concerning vehicles and infrastructure and the OPE TSI.

2. DG MOVE informed the meeting that modifications to the LOC&PAS TSI, WAG TSI, ENE TSI, CCS TSI, SRT TSI, INF TSI, OPE TSI, ERATV and RINF are expected to be submitted in one package for adoption in January 2019.

8. CROSS REFERENCE TABLE OF EU AND OTIF TERMINOLOGY

Document: TECH-17049   Table of correspondence between COTIF and EU terminology

The **Secretariat** had prepared draft working document TECH-17049–WGT35, dated 22 August 2018. It informed the meeting that the draft working document had been updated to reflect:

- Commission Implementing Regulation (EU) 2018/545 establishing practical arrangements for railway vehicle authorisation and railway vehicle type authorisation process.

- Clarifications on definitions under ATMF related to: the Applicant, ECM, Holder of the Design Type Certificate, Holder of the Certificate of Operation, and Area of Use.

The Secretariat informed the meeting that all the modifications compared to the previous version were shown in track-changes format and that the table was open for further analysis and improvement.

WG TECH took note of the table as presented. WG TECH members were invited to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

9. EU-OTIF EQUIVALENCE TABLE

Document   TECH-18024   Equivalence table EU/OTIF regulations

The **Secretariat** had prepared draft working document TECH-18024–WGT35, dated 16 August 2018. Compared to the version issued for WG TECH 34, the changes included:

- Update of the references to EU documents

- Some editorial amendments to facilitate the tracking of data (deletion or merging of some rows, rewording of the comments etc.)

- For reasons of clarity and to improve accuracy regarding the existing equivalence, some dates were specified

- The comments column in the far right column of the table was amended to reflect more clearly the substance of the equivalence
- Wherever the specific TSI is going to be amended, the comments were complemented with on-going developments and expected EIF in the EU.

The Secretariat asked WG TECH members to give the OTIF Secretariat feedback, if necessary, before the next WG TECH meeting.

10. NEXT SESSIONS

The 36th session of WG TECH will be held on 27 and 28 November 2018 in Brussels (hosted by the European Commission).

The 37th session of WG TECH will be held on 5 and 6 February in Bern.

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

11. ANY OTHER BUSINESS

None.

CLOSING REMARKS

Mr Roland **Bacher** (CH) informed the meeting that this was the last OTIF meeting he would attend, as he would soon be retiring.

On behalf of WG TECH, the OTIF Secretariat thanked Mr Bacher very much for the many years of pleasant cooperation. Since 2008, Mr Bacher had chaired 30 WG TECH and 9 CTE meetings. Mr Bacher had been universally appreciated as an outstanding chair and was recognised for his great contribution to developing the technical interoperability legislation of COTIF.

WG TECH members (**CER** and **GB**) noted Mr Bacher's excellent chairmanship, which has made the WG TECH meeting results-oriented and beneficial for all participants.

Mr **Bacher** thanked the participants for their kind words and closed the meeting.

List of participants   Annex I

I.   Gouvernements / Regierungen / Governments

Allemagne/Deutschland/Germany

M./Hr./Mr.   Michael **Schmitz**   Leiter Stabstelle 92
                                              Eisenbahn-Bundesamt
                                              Annerkennungsstelle für Benannte Stellen,
                                              internationale Angelegenheiten

**Bosnie et Herzégovine/Bosnien und
Herzegowina/Bosnia and Herzegowina**

M./Hr./Mr.   Mirko **Vulić**   Senior Expert Associate
                                              Railways Regulatory Board

France/Frankreich/France

Mme/Fr./Ms   Cécilia **Le Gal**   Direction des Référentiels
                                              EPSF – Établissement public de sécurité ferroviaire
                                              Division Système, interopérabilité et interfaces

Italie/Italien/Italy

M./Hr./Mr.   Rocco **Cammarata**   Head of Technical Standards of Vehicles Office
                                              Agenzia Nazionale per la Sicurezza delle Ferrovie

**Royaume-Uni/Vereinigtes Königreich/
United Kingdom**

M./Hr./Mr.   Peter **Coverdale**   Policy Advisor
                                              Department for Transport

M./Hr./Mr.   Vaibhav **Puri**   Head of Technical & Regulatory Policy
                                              Rail Safety and Standards Board (RSSB)

Suisse/Schweiz/Switzerland

M./Hr./Mr.   Roland **Bacher**   Projektleiter
                                              Bundesamt für Verkehr
                                              Sektion Zulassungen + Regelwerke

M./Hr./Mr.   Christophe **Le Borgne**   Chef de projet Interopérabilité
                                              Office fédéral des transports

Commission européenne/
Europäische Kommission/
European Commission

Mme/Fr./Ms   Alice **Polo**   Directorate-General for Mobility and Transport
                                                Policy Officer
                                                European Commission

European Union Agency for Railways (ERA)

M./Hr./Mr.   Christoph **Kaupat**   Project Officer
                                                Interoperability Unit

M./Hr./Mr.   Kornel **Nagy**   Project Officer

M./Hr./Mr.   Olivier **Piron**   Team Leader Rolling Stock and Fixed Installations

II.	Organisations et associations internationales non-gouvernementales
	Nichtstaatliche internationale Organisationen und Verbände
	International non-governmental Organisations or Associations

CER

M./Hr./Mr.   Christian **Chavanel**   Interoperability & Standardization Director
                                                SNCF/Direction Système & Techno Ferroviaire /
                                                Direction Interopérabilité & Normalisation

OSJD

M./Hr./Mr.   Radovan **Vopalecky**   Chairman of the V Commission on Infrastructure and
                                                Rolling Stock
                                                Organisation for Co-operation between Railways
                                                (OSJD)

NB-Rail

M./Hr./Mr.   Francis **Parmentier**   Vice Chairman
                                                NB-Rail

III.	Secrétariat
	Sekretariat
	Secretariat

M./Hr./Mr.Bas **Leermakers**   Head of Department

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

M./Hr./Mr. Dragan **Nešić**   First Officer
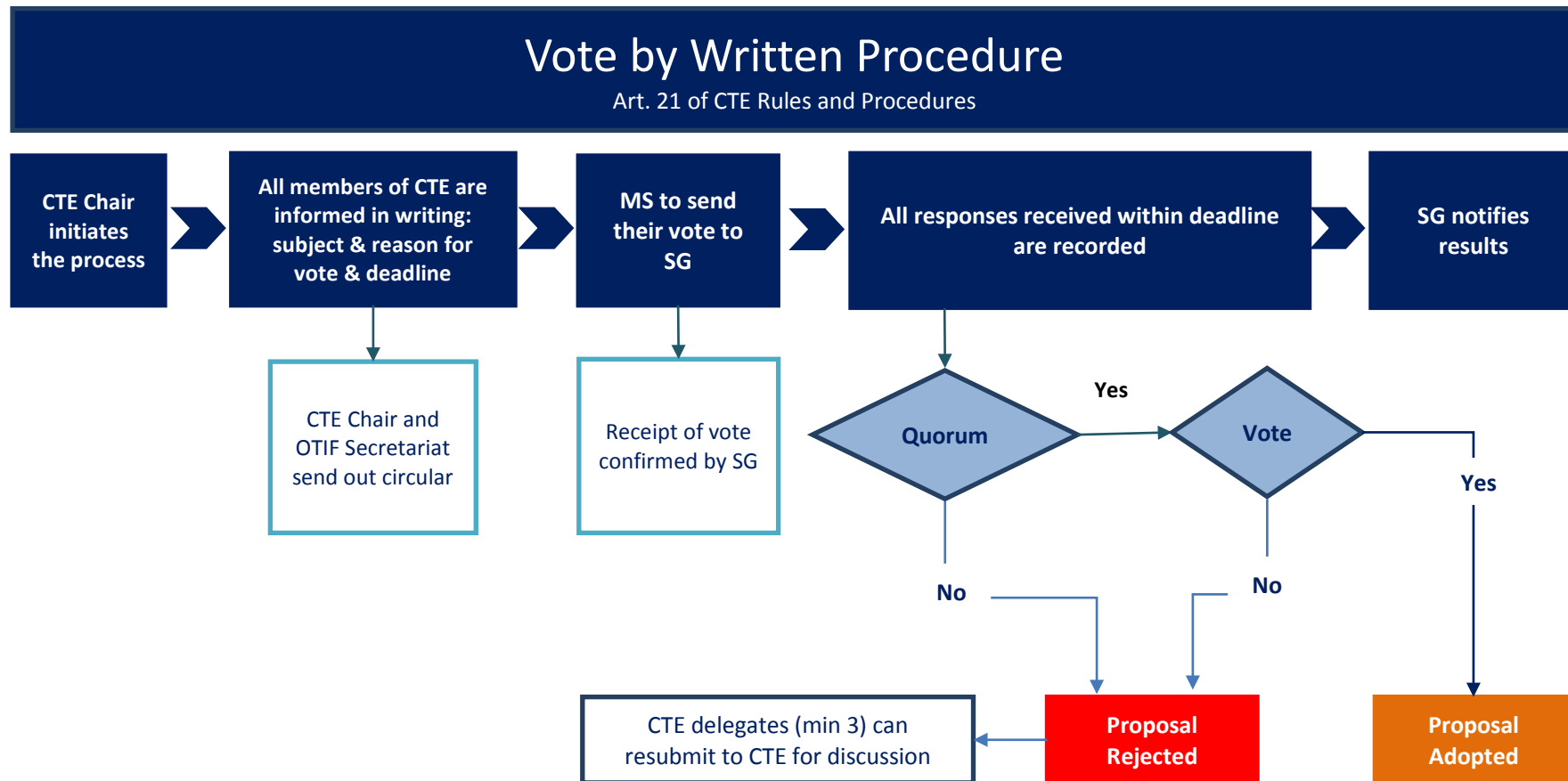
Approved Agenda   Annex II

1. Approval of the agenda

2. Information from the OTIF Secretariat

   a. General information

   b. Status of the vote by written procedure concerning the amendments to UTP GEN-B and UTP TAF

3. Election of chair

4. Approval of the minutes of the 34th session of WG TECH

5. Preparation of documents for the Committee of Technical Experts:

   a. Draft UTP covering infrastructure

6. For discussion:

   a. TAF – process to ensure continued equivalence between the UTP and the TSI

   b. National Technical Requirements – analysis of the need for further action

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

   a. Developments concerning the national vehicle registers (NVR) and the EU vehicle register (EVR) and their compatibility with COTIF

   b. Freight noise abatement – status update and relevance to COTIF

   c. Route compatibility – status update on modifications to LOC&PAS TSI and the WAG TSI and developments concerning the RINF and ERATV registers

8. Cross reference table of EU and OTIF terminology

9. EU-OTIF equivalence table

10. Next sessions

11. Any other business

Status of the vote by written procedure – How does it work   **Annex III**

Vote by Written Procedure
Art. 21 of CTE Rules and Procedures

| CTE Chair initiates the process | → | All members of CTE are informed in writing: subject & reason for vote & deadline | → | MS to send their vote to SG | → | All responses received within deadline are recorded | → | SG notifies results |

CTE Chair and OTIF Secretariat send out circular

Receipt of vote confirmed by SG

Quorum → Yes → Vote → Yes → **Proposal Adopted**

Quorum → No → **Proposal Rejected**

Vote → No → **Proposal Rejected**

Proposal Rejected → CTE delegates (min 3) can resubmit to CTE for discussion

The proposed process for changing the UTP TAF   **Annex IV**

1. February, ERA submits to WG TECH a formal document concerning the changes with description and explanations (similar to the format used for written procedure)
2. April, based on ERA´s input OTIF Secretariat prepares a CTE proposal in 3 official languages
3. June, the CTE´s decision
4. December, the changes would enter into force.

Vehicle authorisation and route compatibility under Fourth railway package   **Annex V**