



Bulletin



OTIF

Organisation intergouvernementale pour les transports internationaux ferroviaires
Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr
Intergovernmental Organisation for International Carriage by Rail

Unified railway law to connect Europe, Asia and Africa

SUMMARY

NEWS

OTIF

- 4 Memorandum of Understanding between OTIF and UIC
- 4 Rail freight transport - the core of the land transport modes
- 5 Jean-Daniel Dénervaud

COMMUNICATING AND DISSEMINATING

- 5 2018-2019: the new work programme
- 6 EUMedRail/OTIF: a promising synergy

DEVELOPMENT OF RAILWAY LAW

RAILWAY TECHNOLOGY

- 7 Appendix G to COTIF (ATMF) and its Institutional implementation
- 11 Corresponding working documents to facilitate navigation between OTIF and EU provisions
- 13 COTIF's Uniform Technical Prescriptions (UTPs)

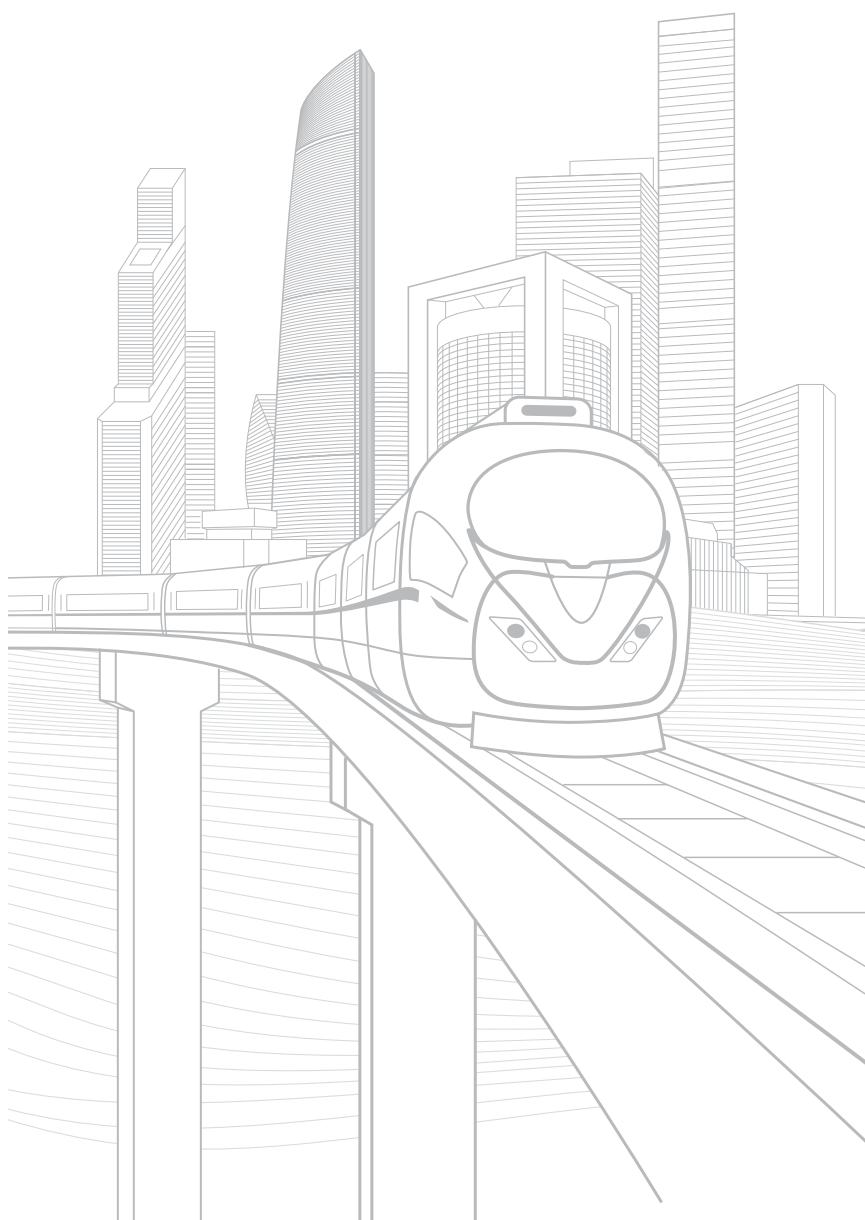
DANGEROUS GOODS

- 16 8th Session of the RID Committee of Experts' standing working group (Utrecht, 20 to 24 November 2017)
- 19 52nd Session of the UN Sub-Committee of Experts on the Transport of Dangerous Goods (Geneva, 27 November to 6 December 2017)

TRANSPORT LAW

- 22 Working group of legal experts

DIARY OF EVENTS



Pictures by

Valerio Compagnone OTIF

UIC

European Union Agency for Railways



This Bulletin comes after the 26th session of the Revision Committee, which was a great success, in large part because of the excellent chairmanship of Ms Clio Liégois, the representative of Belgium.

The Committee approved three key modifications for the Organisation and decided to submit them to the General Assembly in September 2018 for approval:

- Firstly, the Committee approved the principle of amending Article 34 of COTIF: the aim of this is to shorten the entry into force period for COTIF texts when they have been revised. This amendment will avoid having an excessive time lag between the vote and the entry into force of texts.
- The Committee then adopted the amendment to the Uniform Rules concerning the Contract of Use of Infrastructure in International Rail Traffic (CUI UR). The proposal adopted is the result of a great deal of work that has been carried out since 2015 with the Member States, infrastructure managers and railway undertakings. The aim of this amendment to the CUI UR is to clarify its scope of application and eventually to enable model contracts to be put in place

for the allocation of international train paths.

- Lastly, the Committee approved the creation of a new Appendix H concerning the safe operation of trains in international traffic. Based on this new appendix, the Committee of Technical Experts will be able to lay the foundations for proper interoperability beyond the EU.

In addition to these developments in the regulations, the Committee approved the setting up of a standing working group of legal experts, which attracted great interest from participants. They decided to task this working group with examining a number of open issues that arose during the Committee. Another article in this Bulletin highlights the development potential of this group, which will enable cross-cutting issues to be dealt with effectively.

I should like to finish by thanking the experts from our Member States and the staff of the Secretariat for their commitment and creativity. None of this would have been possible without their joint efforts.

François Davenne

MEMORANDUM OF UNDERSTANDING BETWEEN OTIF AND UIC

On 7 December 2017, the International Union of Railways (UIC) and the Intergovernmental Organisation for International Carriage by Rail (OTIF) signed a memorandum of understanding in order to strengthen their cooperation.

The purpose of OTIF, which develops unified railway law to connect Europe, Asia and Africa, is to promote, improve and facilitate international carriage by rail on the basis of the Convention concerning International Carriage by Rail (COTIF) by enacting common rules.

UIC maintains close cooperation links with all actors in the rail transport sector throughout the world, particularly other railway organisations, public authorities, the industry and other stakeholders whose activities may be of benefit to the development of rail transport.

UIC and OTIF were the first international organisations working in the rail sector. UIC is a professional organisation at the highest institutional level. OTIF is a vital intergovernmental organisation that has been working in the legal and technical fields for 125 years. These two organisations work to facilitate the international movement of goods and passengers and

to ensure the effective harmonisation of rail transport.

For a number of decades, OTIF and UIC have cooperated closely and have joined forces to develop interoperability and seamless international operation of the railway networks.

The Director General of UIC, Mr Jean-Pierre Loubinoux, and the Secretary General of OTIF, Mr François Da-

venne, decided to formalise their cooperation. Their aim is to:

- Bring high added value to the railways of the future,
- Initiate joint actions to promote rail transport,
- Create new synergies.

The Director General of UIC and the Secretary General of OTIF welcome this MoU.



RAIL FREIGHT TRANSPORT – THE CORE OF THE LAND TRANSPORT MODES

On 11 December 2017, the Secretary General of OTIF took part in the experts' research meeting for ERA's project on the facilitation of combined transport held by the European Union Agency for Railways (ERA) in Lille.

The aim of this project is to facilitate combined rail/road transport, taking into account the specific features of rail transport. To achieve this, ERA prefers an integrated, horizontal,

consistent approach to intermodal transport, focussing on the interface between road and rail. This approach will help define intermodal transport in the framework of safety and interoperability.

Following several meetings to be held up to June 2018, ERA will submit a report setting out analyses and clear proposals for decision-makers so that they can improve the interface between the land transport modes "rail" and "road".

The Secretary General and experts from OTIF were invited to take part in this project and they welcomed the opportunity to contribute to the integration of rail freight transport by means of an optimised rail/road interconnection.

JEAN-DANIEL DÉNERVAUD

Jean-Daniel Déneraud was born in 1944 and began his career with the Swiss Federal Railways (SBB) in 1963, where he worked in various positions in freight transport. In 1977 he joined the Central Office for International Carriage by Rail (OCTI), the predecessor of OTIF. Until his retirement in 2009, he played a large part in the successful work of the RID/

ADR/ADN Joint Meeting and the RID Committee of Experts. As a member of the RID department, he was primarily responsible for the French version of the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID). He also represented the Organisation in the various dangerous goods bodies of the United Nations. Mr Déneraud was well-known for his

sense of humour, which also came to the fore in numerous articles he wrote for the Bulletin.

Mr Déneraud died unexpectedly a few days before his 73rd birthday. His colleagues in the Secretariat of OTIF and a great many delegates from OTIF's Member States will retain fond memories of him.

Jochen Conrad

NEWS | COMMUNICATING AND DISSEMINATING

2018-2019: THE NEW WORK PROGRAMME

At its 128th session, OTIF's Administrative Committee adopted the [2019-2018 work programme](#) proposed by the Secretary General.

The new work programme was welcomed as it will continue and strengthen the strategic objectives defined in 2016. The 2018-2019 programme

is operational and details a number of actions that will have to be taken to achieve the objectives.

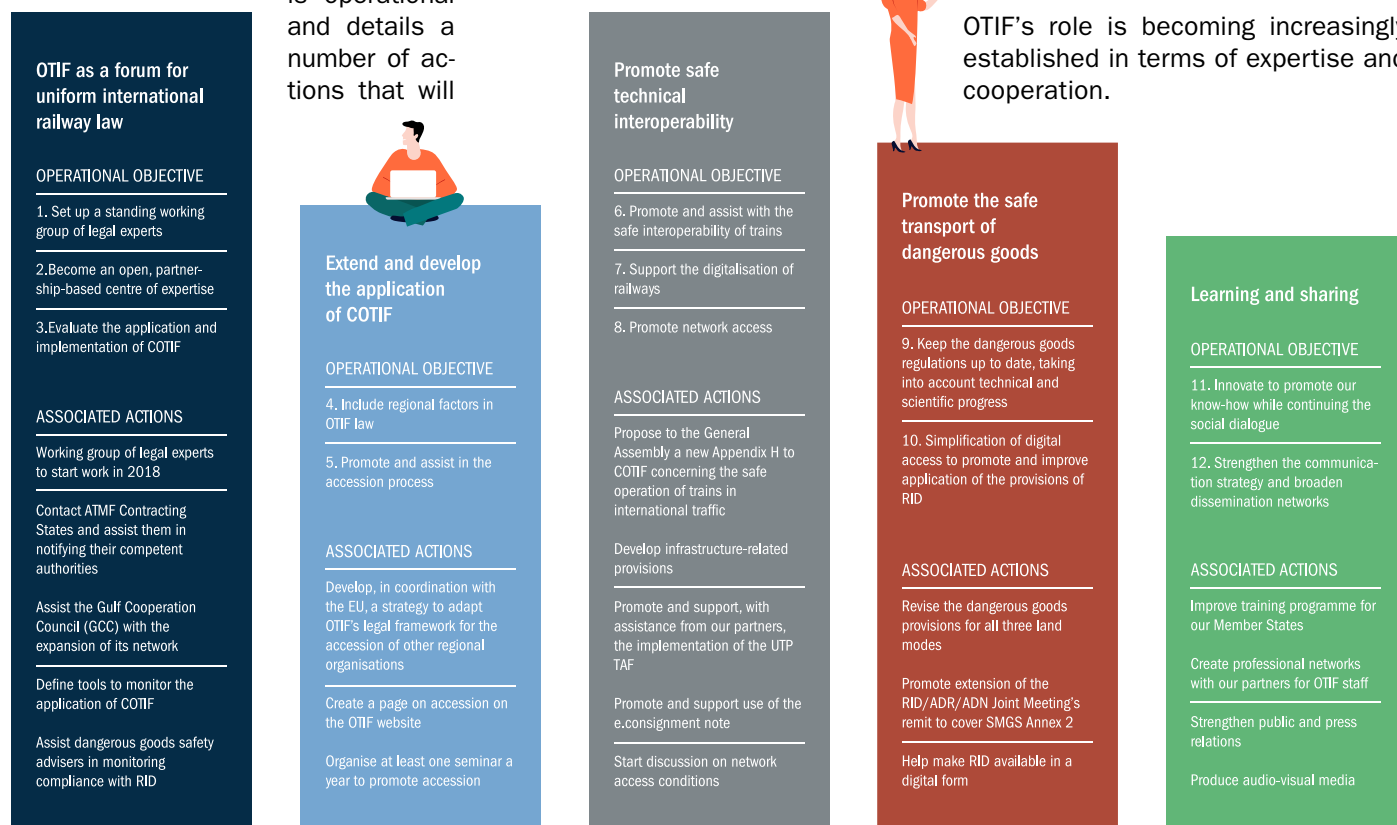
The work programme is an important internal tool for the Secretariat and is also made available externally in a digital and paper version.

For 2018-2019, safe transport remains a priority, wheth-

er in connection with technical and legal interoperability or dangerous goods.

OTIF affirms its role as a forum for international railway law. The Secretariat is continuing to develop the application of COTIF, while highlighting innovation and promoting its know-how.

OTIF's role is becoming increasingly established in terms of expertise and cooperation.



EUMEDRAIL/OTIF: A PROMISING SYNERGY

The European Union Agency for Railways and the Secretariat of OTIF have decided to synergise the workshops organised under the EUMedRail project set up by the European Commission with OTIF's activities so that participants can take part in both events.

Consequently, the Secretariat of OTIF took part in the International Railway Legislation workshop jointly organised with EUMedRail in Belgrade, Serbia, on 6 and 7 February 2018. At the same time, the workshop participants from ERA were able to attend the 34th session of OTIF's working group TECH organised by OTIF.

In 2016, OTIF and the European Commission had already worked together on the joint organisation of two workshops entitled "OTIF-COTIF - Presentation of unified railway law", in Egypt and Israel in the framework of the EuroMed-Transport project, which became the EUMedRail project in 2017.

OTIF provides a cooperative forum to develop unified railway law to con-



nect Europe, Asia and Africa. This is why the Convention concerning International Carriage by Rail (COTIF) and its technical appendices, ATMF and APTU, are harmonised with the European Union's (EU) regulations.

The EUMedRail project is aimed at southern Mediterranean states, some of which are also members of OTIF. Its aim is to develop a technically inte-

grated, reliable and efficient rail transport system with the countries of the Mediterranean.

It was therefore logical that the Secretary General and OTIF's heads of department presented COTIF, its appendices (CIM, CIV, RID, ATMF and APTU) and their complementarity with EU rules at the OTIF/EUMedRail workshop on 6 and 7 February 2018.



APPENDIX G TO COTIF (ATMF) AND ITS INSTITUTIONAL IMPLEMENTATION

ATMF lays down uniform rules according to which vehicles can be approved and used in international traffic. ATMF contains obligations for railway entities, such as railway undertakings and vehicle keepers, but also for states and state authorities. This article explains the institutional and organisational arrangements which states have to implement in accordance with ATMF.

The key question here is how to build confidence. The institutional framework that COTIF defines ensures that there is a common understanding on how and by whom the regulations are implemented in order to produce the safe exchange of vehicles for international traffic between Member States.

In order to be admitted to international operation, a rail vehicle must comply with the UTPs and meet all essential requirements. The procedure leading to admission to operation involves the competent authority of a state. The procedure can be described in two steps: verification and admission. Verification involves an assessing entity. The verification by the assessing entity starts at the design stage of a vehicle and ends before admission. The verification phase may therefore take a considerable amount of time. Admission on the other hand is the formal approval by the competent authority. Admission is therefore an administrative procedure that is completed when the Certificate of Operation is issued.

In summary, verification is the task of the assessing entity and admission is the task of the competent authority. This article goes into more detail on how the responsibilities of each party are discharged.

Competent authority

Article 5 of ATMF requires each state to notify its competent authority to the OTIF Secretary General, who publishes a list of competent authorities. A competent authority can be a national or international entity. For example, in each OTIF Member State which is also a member of the European Union, the state's national safety authority is also its ATMF competent authority, so each state has its own

competent authority. In the future however, the European Union Agency for Railways (ERA) is likely to become the ATMF competent authority for all EU Member States.

This example illustrates that there may be one authority serving several states, provided there is mutual consent between the state(s) and the authority and the situation is notified to the Secretary General.

Task of the competent authority

The competent authority issues the Certificate of Operation to the applicant (Article 11 § 7). This certificate is evidence that the vehicle is admitted to operation in the state concerned. Before the admission to operation can be issued, the applicant must compile a technical file. "Technical file" means the documentation relating to the vehicle, containing all its technical characteristics. The purpose of the technical file could be compared to that of a user manual. The content of the technical file is defined in UTP GEN-C. The technical file is attached to the Certificate of Operation and is kept by the vehicle keeper throughout the life of the vehicle. If the keeper of a vehicle changes, the technical file must be handed over to the new keeper without delay.

If a vehicle is admitted in accordance with Article 6 § 3 ATMF, i.e. it complies with all applicable UTPs and these UTPs cover all the essential requirements, the admission to oper-

ation issued by the competent authority of one Contracting State is valid on the territories of all other Contracting States by means of mutual recognition of the Certificate of Operation.

Vehicles not meeting all the applicable UTP requirements, or if no complete set of rules is available under COTIF, a vehicle cannot be admitted to circulation in international traffic on the basis of admission by one state. However, even if not all the provisions concerning a vehicle are harmonised at international level, at least the harmonised elements can be mutually accepted between states. This avoids every vehicle's having to be checked in detail by each state before being accepted. The ATMF principles of mutual acceptance therefore have the potential to increase efficiency. Vehicles admitted to operation consecutively by two or more states in accordance with Article 6 § 4 are permitted to run only in these states

The states in which the vehicle is admitted are listed in the National Vehicle Register (NVR) of each state. Although the requirements to establish an NVR are addressed to states, implementation is usually in the remit of the competent authority. By means of an internet based connection between the NVRs of all states, the competent authorities can check the status of each vehicle, such as where it is admitted, who the ECM is etc., irrespective of the NVR in which it is registered.

Assessing entity

Before the competent authority grants admission for a vehicle, the vehicle is subject to assessment of its conformity with all the applicable requirements.

The competent authorities may carry out assessments under their own responsibility, provided they have the technical competence, or may transfer to assessing entities the task of carrying out assessments as a whole or partly, including issuing the corresponding certificates of verification. Each state that applies ATMF should ensure that staff involved in the assessment of conformity have no conflicts of interest and fulfil the applicable requirements. For this reason, assessing entities must be independent from any manufacturer, railway undertaking, infrastructure manager, vehicle keeper or entity in charge of maintenance.

In some OTIF Contracting States the

competent authority and assessing entity are combined in one entity. This is the case, for example, in Turkey (General Directorate of railway transport regulation) and Serbia (Directorate for Railways).

In OTIF Member States which are also members of the European Union (EU), the role of the assessing entity is fulfilled by private entities called Notified Bodies (NoBo). Some non-EU States also use this model, e.g. Switzerland. In accordance with UTP GEN-D point 1.3.2, the competences of EU Notified Bodies are also recognised in COTIF as assessing entities.

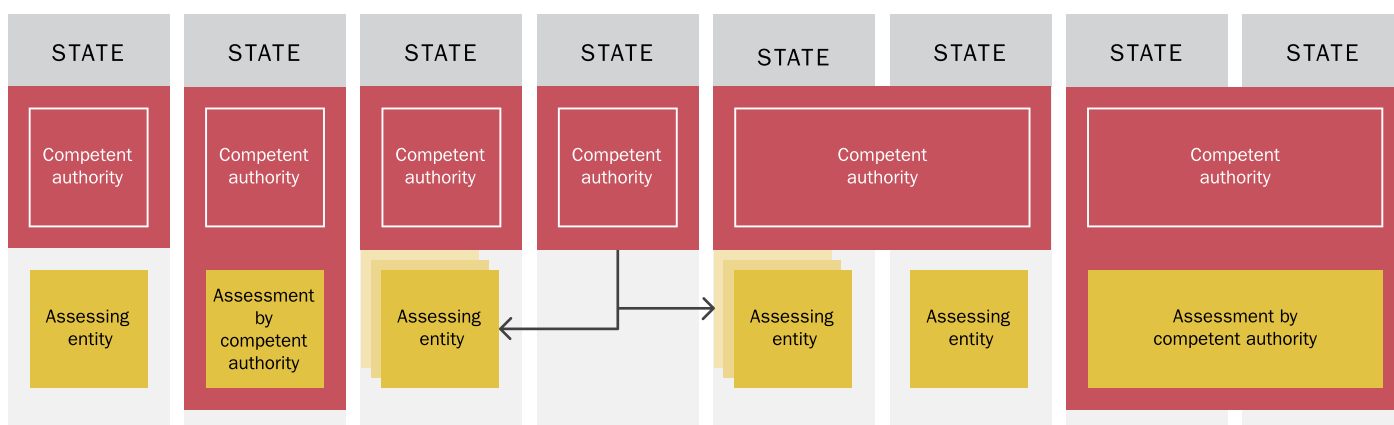
In accordance with the principle set out in Article 10 § 3a ATMF, applicants may make use of the services of assessing entities having their place of business in other Contracting States. In accordance with Article 6a § 1 ATMF, the assessment, declaration and other documentation prepared according to ATMF must be recognised by the competent author-

ities in all Contracting States. Therefore, ATMF does not prevent states from using the services of assessing entities of other states, as long as they meet the harmonised criteria. The benefit of relying on existing/external assessing entities is that specific knowledge can be acquired when it is needed, without having to acquire and maintain such knowledge in each state. This may be of particular interest to states with a small railway sector.

For this reason, states that apply ATMF have several options concerning assessing entities:

- Assessing entity integrated in the competent authority
- One or more assessing entity/ies in the states concerned
- Reliance on external assessing entities which offer services internationally, such as, for example, most of the EU Notified Bodies.

Each state must notify its competent authority, which may be the same as that of other states and may have one or more assessing entities



Task of the assessing entity

Upon request from the applicant, verification of UTP compliance of a rail vehicle is checked by the assessing entity. The assessment starts during the design phase of a project and continues until the last vehicle is produced. This means that the assessing entity should be involved from the

start of a project. If more than one vehicle of the same design is to be admitted, the first vehicle constitutes a type. For the admission of subsequent vehicles of the same type, it is sufficient to prove that the vehicles are built in accordance with the type. In such case the design of the vehicle does not have to be assessed again. The results of all these checks

are valid and recognised in all other Contracting States for subsequent admissions in accordance with Article 6a ATMF.

Other bodies under ATMF

Certification of entities in charge of maintenance

Each vehicle operated internationally in accordance with the provisions of ATMF must have an entity in charge of maintenance (ECM) assigned to it. ECMs for freight wagons must be independently certified by a certification body. Certification bodies may award certificates only to an ECM for which an audit confirms that it has established its maintenance system and can meet the requirements laid down in Annex A to ATMF to ensure the safe state of running of any freight wagon for which it is the ECM.

States must ensure that all certification bodies comply with the criteria and principles incumbent on them in accordance with Annex A to ATMF. This is also the case when the competent authority in accordance with Article 5 ATMF acts as an ECM certification body.

States can either recognise certification bodies directly, or have them accredited through their accreditation body. States are required to notify the OTIF Secretary General of their certification bodies; in case of accreditation, the accreditation bodies inform the Secretary General directly. ECMs, as well as ECM certification bodies, are registered in an international register. This register is common between the EU and OTIF and is hosted by the EU Agency for Railways (ERA).

Csm assessment bodies

The UTP GEN-G contains provisions for a harmonised procedure to manage risks relating to significant changes to the rail system or, if the UTP so require, structural subsystems.

The risk management procedure has to be carried out by the proposer and is subject to independent assessment of its correct application and its results. The latter is the task of the CSM assessment body.

The UTP GEN-G defines the term “assessment body” as “*an independent and competent external or internal individual, organisation or entity which undertakes investigation to provide a judgement, based on evidence, of the suitability of a system to fulfil its safety requirements.*”

The CSM assessment body must meet the requirements set out in Annex II of UTP GEN-G. States can recognise CSM assessment bodies directly, or have them accredited through their accreditation body. The state’s competent authority in accordance with Article 5 ATMF can also act as a CSM assessment body.

States are required to notify the OTIF Secretary General of their CSM assessment bodies; in case of accreditation, the accreditation bodies inform the Secretary General directly. CSM assessment bodies will be registered in an international register which is common to the EU and OTIF and which is hosted by ERA.

Other significant obligations for States under ATMF

National vehicle register

Each Contracting State has to establish its National Vehicle Register (NVR) in accordance with a harmonised format. The NVRs are established with a view to providing access to key information regarding each railway vehicle operated internationally between OTIF Contracting States. Each NVR must be connected to a so-called virtual

vehicle register (VVR). The VVR links the EVR of all states and, through a search-engine, enables access to data on all vehicles registered in any of the NVRs.

Notification of national technical requirements

Article 12 APTU requires states to notify the Secretary General of their national technical requirements (NTR) which apply to railway vehicles in international traffic. NTR should not repeat or conflict with provisions set out in the uniform technical prescriptions (UTP).

Notification of vehicle keeper markings

Each vehicle operated internationally in accordance with the provisions of ATMF must have a marking indicating the keeper of the vehicle. This vehicle keeper marking (VKM) is an alphanumeric code. In order to avoid duplication of VKM codes, an international register is kept. The competent authority of each state should send the OTIF Secretariat any changes to VKM codes. The Secretariat then updates the international register accordingly.

Concluding remark

The institutional implementation of ATMF involves a number of entities and layers of responsibility. The complexities this implies are offset by the advantages of mutual recognition between states of the vehicle admissions and assessment results. This has the potential to achieve significant savings for the railway sector in the sense that it avoids duplication of work and economies of scale when using similar technologies on different types of rolling stock.

Bas Leermakers

Reference	Entity	Does what?	Can be	Explanation
ATMF Article 5	Competent authority	Issues technical admissions, in particular for railway vehicles. Vehicles must be admitted before being used internationally.	The national or international authority competent in the matter in accordance with the laws and prescriptions in force in the Member State.	Each state must notify the Secretary General of its competent authority. The competent authority may be a national or international body. This means that multiple states may notify the same body. It is thus possible to have e.g. one competent authority for several states, which may be located in or outside one of these states.
ATMF Article 5	Assessing entity	Carries out assessments and issues certificates of verification.	By default the competent authority is also the assessing entity, but the competent authority may, or according to the provisions in force in its state, must transfer to assessing entities the competence to carry out assessments.	In-depth technical knowledge is required to carry out assessments. The competences of assessing entities are mutually recognised between states. States are not obliged to have assessing entities located on their territory.
Annex A to ATMF	ECM certification body	Awards ECM certificates to ECMs for freight wagons.	States may recognise certification bodies directly, or have them accredited through their accreditation body. The state's competent authority in accordance with Article 5 ATMF may also act as an ECM certification body.	ECM certificates are mutually recognised between Member States so that ECMs, provided the law applicable in the state concerned so allows, can offer their services internationally. States are not obliged to have an ECM certification body located on their territory.
UTP GEN-G	CSM assessment body	Independent assessment of the correct application of the common safety method set out in UTP GEN-G and assessment of the results of its application.	States may recognise CSM assessment bodies directly, or have them accredited through their accreditation body. The state's competent authority in accordance with Article 5 ATMF may also act as a CSM assessment body.	The competences of CSM assessment bodies are mutually recognised between Member States so that the results of their activities are also mutually recognised. States are not obliged to have a CSM assessment body located on their territory.

CORRESPONDING WORKING DOCUMENTS TO FACILITATE NAVIGATION BETWEEN OTIF AND EU PROVISIONS

In order to make it easier and faster to get one's bearings in the world of OTIF's terminology and provisions and the corresponding terminology and provisions of the European Union (EU), the OTIF Secretariat uses two tables in its technical meetings.

For the meetings of the working group TECH (WG TECH), two tables are always kept up to date. The first of these describes the terminology and the second shows the chronological development of provisions within OTIF. Both tables are derived from EU regulations or refer to them.

These two working documents are called

1. "Cross reference table of EU and OTIF terminology" and
2. "EU-OTIF equivalence table".

Both the OTIF Secretariat and the European Union Agency for Railways treat these tables as working documents. In other words, they are prepared by both organisations and further developments to the tables are jointly agreed.

The aim of the tables is to provide a brief, rapid overview. A brief description of the tables is given below.

Working document "Cross reference table of EU and OTIF terminology"

The first draft of the newer of the two working documents was prepared at the end of last summer. The impetus for this came from the European Commission when new definitions were introduced with the fourth railway package. In the context of the analysis resulting from the fourth railway package, the differences between the definitions should be made clear in this very simple form. This working document was therefore prepared in order to make things easier in the event of further revisions to the technical provisions and in the meetings themselves. As the working group TECH, which

uses this document, works only in English, the document is only available in English and is called the "cross reference table of EU and OTIF terminology". The document mainly covers terminology in connection with approvals and maintenance.

The APTU and ATMF Appendices to COTIF and the accompanying Uniform Technical Prescriptions form the basis for OTIF's terminology, which is listed in the two columns headed "Terminology" and "Reference". The other two columns containing the European Union definitions list the corresponding "Terminology" and "Reference". The last column contains explanations of any restrictions or relevant details that need to be provided.

The example below is an extract from the cross reference table.

PROCEDURES				
OTIF		EU		Equivalence/Clarification
The term	Legal reference	The term	Legal reference	Clarification
Assessment procedures (modules)	The assessment of conformity with provisions of the UTPs, applicable to structural subsystems, ICs and national technical requirements. UTP GEN-D Assessment Procedures (Modules)	The modules	European Commission Decision on modules for the procedures for assessment of conformity, suitability for use and EC verification to be used in the TSIs adopted under Directive 2008/57/EC of the European Parliament and of the Council (hereinafter: Commission Decision 2010/713/EU of 9 November 2010 on modules)	The EU term 'modules' can also be used in OTIF. However, the formal reference is 'assessment procedures'
Assessment procedures for the verification of subsystems		Modules for EC verification of subsystems		The COTIF and EU provisions have been harmonised. The terms have the same meaning concerning the process of checking conformity. The responsibilities of the different actors are not identical.

Source: Working document WG TECH meeting 34 "Cross reference table of EU and OTIF terminology"

Working document “EU-OTIF equivalence table”

The equivalence table has existed as a working document since the end of summer 2013 and hence much longer than the terminology cross reference table.

The equivalence table does not focus on terminology, but instead presents the relationship between the technical provisions of OTIF and the European Union. The focus here is on the chronology of entry into force dates

and repeals, i.e.

- The legal basis,
- The date on which this legal basis was repealed or amended, and
- The status of the process.

As for the cross reference table of EU/OTIF terminology, the equivalence table also has a final column with explanations of any restrictions or relevant details that need to be provided.

The EU-OTIF equivalence table is only available in English, as it is also used

only in the meetings of working group TECH.

The example below is an extract from the equivalence table.

The latest versions of both documents can be found on OTIF’s website under the working documents for working group TECH.

Activities > Technical Interoperability > Working Group Tech > Working Documents

Margarethe Koschmider

ACCESSIBILITY FOR PRM (UTP PRM)							
EU			OTIF			Equivalence	
Legal act	EIF/DoA Date of repeal	Status	Legal act	EIF Date of repeal	Status	Equivalence	Clarification
Decision 2008/164	EIF 1.7.2008	PRM TSI for conventional and HS TEN.	-	-	-	NO	
	Amended	Decision 2008/164 is amended by Decision 2012/464					
	Repealed 1.1.2015	Repealed by Regulation 1300/2014					
Regulation 1300/2014	DoA 1.1.2015	PRM TSI for conventional and HS TEN.	UTP PRM 2015	EIF 1.1.2015	Adopted 4.6.2014 Notified 18.7.2014	YES	Full-equivalence will apply for rolling stock requirements. The requirements related to the infrastructure subsystem are voluntary in the UTP.

Source: Working document WG TECH meeting 34 “EU-OTIF equivalence table”

COTIF’S UNIFORM TECHNICAL PRESCRIPTIONS (UTPs)

The exchange of vehicles in international traffic (under COTIF) is possible if the UTP requirements are complied with. What are the minimum requirements? Where can they be found? What further developments can be expected?

The COTIF Member States have agreed that vehicles may be used in international traffic if they satisfy a specific minimum of technical and safety requirements. All these minimum requirements are prescribed in Uniform Technical Prescriptions (UTPs). Confirmation that the vehicle meets these minimum requirements is given by the *competent*

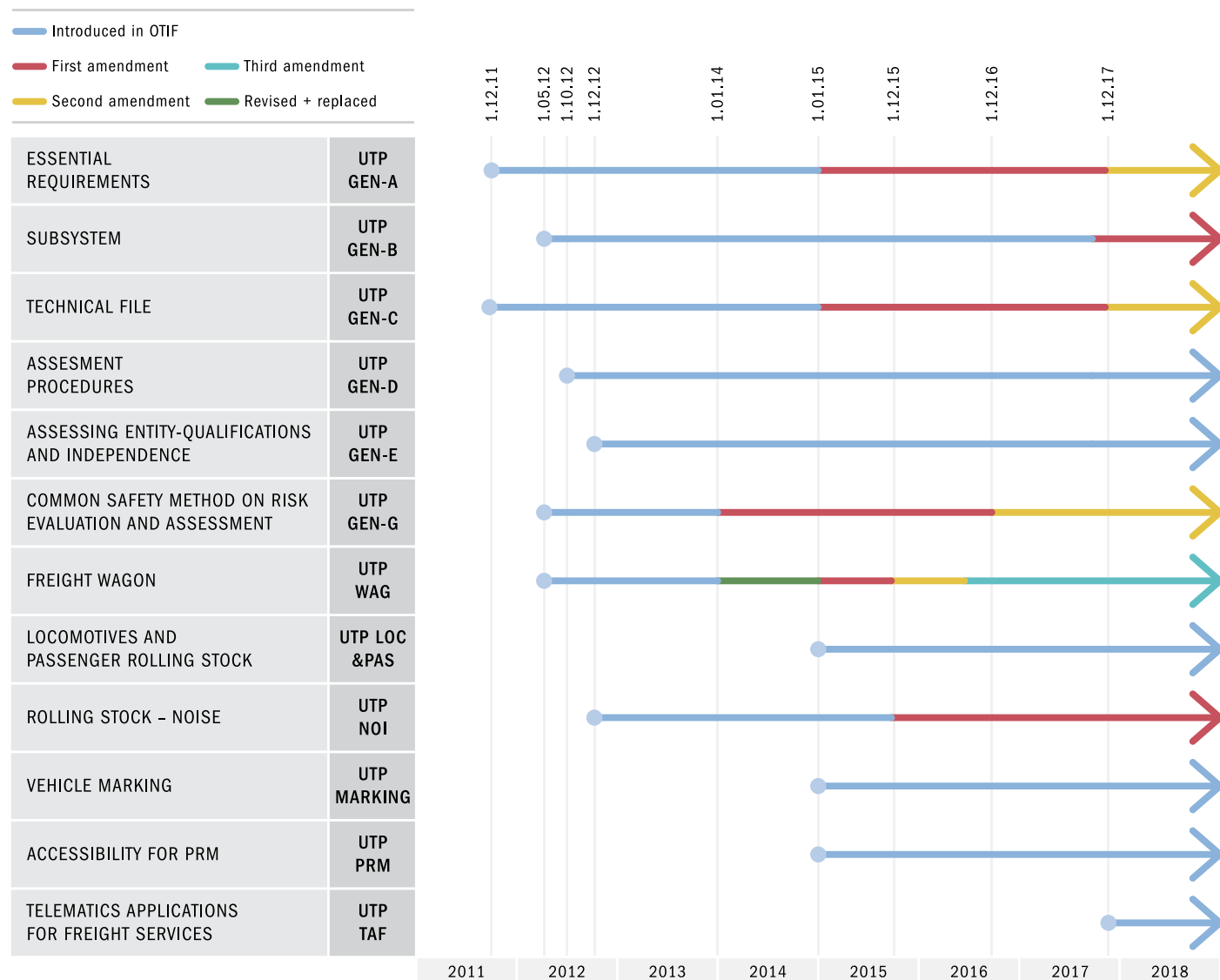
authority of a state by issuing a *certificate of operation*, which acts as proof that the vehicle is admitted to international traffic. COTIF prescribes not only the technical requirements, but also the various actors’ procedures and responsibilities concerning the vehicle’s admission to international traffic. The OTIF Member States which apply the technical provisions of APTU

and ATF are referred to as Contracting States and they decide on the substantive development of UTPs.

What are the UTPs?

Uniform Technical Prescriptions are COTIF provisions which set out technical, operational or functional re-

The development of the UTPs within COTIF



quirements, facilitate the movement of vehicles in international traffic and contribute to the harmonisation of responsibilities in the OTIF Contracting States and to the interoperability of the rail system at international level. The subsystems are defined in UTP GEN-B:

Structural subsystems:

- infrastructure
- energy
- trackside control-command and signalling
- on-board control-command and signalling
- rolling stock.

Functional subsystems:

- operation and traffic management
- maintenance
- telematics applications for passenger and freight services.

In principle, each subsystem is subject to UTP provisions. However, one UTP may cover several subsystems and one subsystem may be covered by several UTPs. According to Article 8 § 2 of APTU, a UTP only applies to a new subsystem and/or to an existing subsystem when it is renewed or upgraded. However, UTPs do not require mandatory renewals or upgrades.

Development Of The UTPS

APTU regulates the content of UTPs.

The preparation or drafting of UTPs and their amendments is the responsibility of the *Committee of Technical Experts (CTE)*, which generally meets once a year. The CTE is assisted by the appropriate working groups, i.e. the *standing working group technology (WG TECH)*, which meets three times a year, where the Contracting States or regional organisations can take an active part in discussing and drafting the UTPs. The process for the development of UTPs and the decisions concerning their adoption are governed by Appendix F to the Convention (APTU).

The first UTPs entered into force on

1 December 2011. In the following seven years, a further ten UTPs entered into force in COTIF. By 1 December 2012, a full set of UTPs covering freight wagons was in force and by 1 January 2015, a full set of UTPs covering locomotives and passenger rolling stock entered into force. This also means that since 1 January 2015, the same minimum requirements for the “*admission of vehicles in international traffic*” were valid in all OTIF Contracting States. The following diagram shows the development of each UTP, followed by the appropriate amendments, if any.

UTPs as a basis for vehicle approval

In COTIF the “*admission of vehicle in international traffic*” is carried out by the competent authority in a Contracting State. The vehicle is only allowed to operate on compatible infrastructure and within the limits indicated in the certificate of operation. Before the first admission to operation, it must be ensured that the vehicle meets all the essential requirements and applicable rules. If a railway vehicle admitted by one state complies with the UTPs, it can also be admitted in other states without repeating the (full) approval process, because compliance with the UTPs is mutually recognised. If particular conditions set out in Article 6 § 3 of ATMF are met, vehicles may even be automatically admitted in all Contracting States. At present, this is only possible for certain types of freight wagons.

UTPS and EU law

Of the 50 Member States of OTIF, 26 are also EU Member States. The EU develops policy to establish a single railway market. The key element of this policy is to bring about railway interoperability by harmonising technical parameters, responsibilities of actors and requirements that apply within every EU Member State. It also means that EU law applies to both in-

tra-EU and national traffic at the same time. One of the tools used to develop a single railway market was the introduction of the Technical Specifications for Interoperability (TSIs). TSIs, like UTPs, specify requirements for subsystems in order to ensure the interoperability of rail systems. The development of TSIs is one of the basic tasks of the European Union Agency for Railways (ERA).

In June 2011 OTIF and the European Union signed an agreement on the accession of the European Union to COTIF.

Even though the objective of EU railway policy and the scope and aim of COTIF are not identical, the elements concerning technical compatibility are very similar.

Many Contracting States apply COTIF and EU railway provisions at the same time. In relations between these states and Contracting States which do not apply EU law, the provisions of COTIF apply. It is therefore important to ensure that COTIF and EU law are and remain compatible. In the technical field this is ensured by establishing equivalence between UTPs and TSIs; whether such equivalence exists, and the extent of it, is indicated in each UTP.

Structural and functional UTPs are based on TSIs. UTPs and TSIs are not identical, but their technical content is equivalent. Thus, a vehicle meeting UTP requirements also meets TSI requirements and vice versa. It should also be noted that not all TSIs are taken over into relevant UTPs. Furthermore, instead of being equivalent to a TSI, some UTPs may be equivalent to (a set of) other EU regulations.

Since October 2013, after the Administrative Arrangement between the OTIF Secretariat, DG MOVE and ERA was signed, coordination and cooperation have become more effective, particularly with regard to the development of UTPs and TSIs, and most notably in the field of railway interoperability and safety.

Article 8 § 9 of APTU requires UTPs to have a two column layout, where the right-hand column reproduces EU law. Text which appears in full width (across both columns) is identical in the UTP and corresponding TSI.

Equivalence table between OTIF and EU regulations

The WG TECH prepares an equivalence table¹ as a working document to be discussed at its meetings. It has become a standard working document of the WG TECH that provides the competent authorities of the non-EU Contracting States with guidance. Further information on the table of equivalence between OTIF and EU regulations can be found in the following article: “Corresponding working documents to facilitate navigation between OTIF and EU provisions”, which is also published in this Bulletin.

Further possible development of the UTPs

In order to keep pace with technical and scientific progress and legal developments, UTPs may be subject to regular amendments. It is also planned to develop new UTPs to cover infrastructure related requirements.

In the Secretariat's view, the aim of infrastructure related requirements in COTIF should be to promote the following aspects for rail infrastructure:

- that it can be safely and efficiently used for the operation of trains in international traffic
- that it can be designed and constructed in an economically feasible manner
- that it will allow states to maintain the necessary compatibility with existing lines and networks.

The infrastructure related require-

ments should be limited to the interfaces with vehicles. It is important to note that COTIF only deals with international traffic, but most infrastructure is not used exclusively for international traffic, but also for national traffic. Infrastructure provisions must therefore be developed carefully, in close cooperation with the Contracting States.

The general strategy for the development of infrastructure requirements under COTIF will be discussed by the Committee of Technical Experts in Bern on 12 and 13 June 2018.

Dragan Nešić

¹ http://otif.org/fileadmin/new/2-Activities/2E-Technical-Interoperability/2Eb-Working-Group-Tech/2Eb2_Workingdoc_WGTECH/2018/TECH-18005-WGT34-9_EU-OTIF-equivalence-table.pdf

8th SESSION OF THE RID COMMITTEE OF EXPERTS' STANDING WORKING GROUP (UTRECHT, 20 TO 24 NOVEMBER 2017)

The 8th session of the standing working group was dedicated to adopting all the texts adopted by the Joint Meeting in 2016 and 2017 and by the standing working group in November 2016, and dealt with further proposals to amend RID, which will be reflected in the 2019 edition of RID. The introduction of extra-large tank-containers for the carriage of dangerous goods was also discussed at length.

Harmonisation with the 20th edition of the UN Recommendations on the Transport of Dangerous Goods

The working group approved a document prepared by the Secretariat, which contained all the texts adopted by the Joint Meeting in 2016 and 2017 and by the standing working group in November 2016. It also carried over all the other amendments that had been adopted for ADR two weeks previously by the UNECE Working Party on the Transport of Dangerous Goods (WP.15), insofar as they were relevant to rail transport.

The standing working group also approved a corrigendum for the 2017 edition of RID, which entered into force on 3 January 2018 in parallel with a corresponding corrigendum for ADR.

New proposals

Checklists for the filling and emptying of liquefied gas tank-wagons

In the past, cross-references to checklists for the filling and emptying of tank-wagons for the carriage of liquids, developed by the Chemical Industry Council (CEPIC), were included under the obligations for fillers and unloaders. At past meetings of the standing working group, it had already been acknowledged that it would also be necessary to develop similar checklists for the filling and emptying of gas tank-wagons.

An informal working group, which had

twice been hosted by Italy, submitted such checklists to this session. In contrast to the checklists for the filling and emptying of tank-wagons for the carriage of liquids, the new checklists for gas tank-wagons covered virtually all the filler's and unloader's obligations. The points to be checked were described in four separate checklists for top filling, top discharge, bottom filling and bottom discharge.

The standing working group adopted the checklists for the filling and emptying of tank-wagons for the carriage of gases with some amendments. It agreed to refer to these checklists at the end of 1.4.3.3 (obligations of the filler) and at the end of 1.4.3.7.1 (obligations of the unloader) and to make the checklists available on OTIF's website.

The standing working group also agreed to complete the current checklists for the filling and emptying of tank-wagons for liquids in order to cover as many of the filler's and unloader's obligations as possible, as in the new checklists for gas tank-wagons. This work would be started at the end of February 2018.

Continued use of old gas tank-wagons

In the 2015 edition of RID, the transitional provisions for the continued use of tank-wagons for pressurised gases built before 1 October 1978, which do not satisfy the provisions in terms of their wall thickness and items of equipment, were time-limited. Using a stepped approach, the approximately 5000 pressurised gas tank-wagons

23 States, the European Union, the European Union Agency for Railways (ERA), the Committee of the Organization for Cooperation of Railways (OSJD) and four non-governmental organisations were represented at this meeting

still in service should be successively phased out, depending on their age, by the end of 2029 (see Bulletin 2/2014, p.19).

In Austria, checks focussing on specific points were carried out in 2015 and 2016 on gas tank-wagons which, in the context of these transitional provisions, may still be used. Serious defects were found on the closing devices of more than 10% of the gas tank-wagons that were checked. Owing to the safety risk of these tank-wagons, the representative of Austria proposed that the duration of the transitional provisions for all gas tank-wagons built before 1978 be limited to 31 December 2021.

The standing working group noted the defects detected concerning the operation of the closing devices, the maintenance and the affixing of operating instructions. It noted that these infringements of the regulations should not occur if the safety obligations of participants (particularly fillers, operators and ECMs) in RID Chapter 1.4 were complied with. However, it did not think this problem could be resolved by shortening the duration of the transitional provisions.

The standing working group was of the

view that checks on gas tank-wagons should be increased in all Member States. The competent authorities should inform the national railway safety authorities of the results of these checks. If need be, the latter should take appropriate measures with those responsible in each case for the entities in charge of maintenance (ECM), keepers and fillers. Dialogue between all the authorities and market players, including beyond national borders, was considered essential, as in addition to the considerable impairment of safety, these serious defects could have economic consequences for the carriage of dangerous goods by rail.

The standing working group also recalled that the transitional provisions had been developed in conjunction with the industry and that there also had to be legal certainty for these transitional provisions, because in view of the remaining period of use, some tank-wagons were still being retrofitted. Conversely, in order to make use of the transitional provisions, it had to be ensured that the equipment on gas tank-wagons complied with the applicable provisions of Chapter 6.8.

It was agreed that the measures taken at national level and by the international associations would be presented at the next session of the standing working group in order that a decision could be taken on how to proceed.

Any other business

Information on dangerous goods wagons in marshalling yards

At the standing working group in 2012, the representative of the Netherlands had submitted a report on a railway accident that occurred at a marshalling yard in the Netherlands on 14 January 2011, in which a tank-wagon containing ethanol had been gutted by fire. Some of the information that was important for the emergency services was not available when the incident started, including precise information on the goods loaded on the dangerous

goods wagons in the immediate vicinity of the burning ethanol tank-wagon. It only emerged after a certain time that some empty, uncleaned liquefied gas tank-wagons were in the immediate vicinity.

The accident investigation had therefore revealed, among other things, that the information at marshalling yards with respect to the precise position of wagons containing dangerous goods was insufficient, even though this information would be of crucial importance to the fire brigades in deciding what strategy to adopt.

The Netherlands informed the standing working group about a project on the automatic tracking of freight wagons in marshalling yards based on various technologies. The use of differential GPS made it possible to determine an exact position, even on adjacent tracks. Smart cameras positioned on the entrance tracks were used to read information on the sides of the wagons as the train passes by. The cameras were also able to read information on dirty and graffiti covered wagons. Sensors fitted to the

points, which can detect the position of the points, in conjunction with axle counters placed on the guide tracks, provided information on the number of wagons that had entered a track.

The Netherlands will continue to inform the standing working group how the project develops.

Extra-large tank-containers

The standing working group was provided with information about the extra-large tank-containers developed by BASF and the Belgian tank-container manufacturer van Hool. These tank-containers have a capacity of up to 73,500 litres and a payload of up to 66 tonnes. The load capacity is therefore equivalent to two conventional tank-containers or one bogie tank-wagon.

Owing to their high masses, these tank-containers are not suitable for combined rail/road traffic. However, the tank-containers can be moved at the plant premises on automated, guided container transport vehicles.



The new tank-containers are carried on new carrying wagons, of which around 150 are planned with crash-buffers and devices to protect against the overriding of buffers.

At present, tank-containers with tank codes L4BH and L4DH are in use. 50 tank-containers with a calculation pressure of 10 bar are currently on order. These will mainly be used for substances for which a calculation pressure of only 4 bar is currently prescribed.

According to information from BASF, extra-large tank-containers with substances for which crash-buffers or devices to protect against the overriding of buffers are prescribed when they are carried in tank-wagons, are only carried on carrying wagons that are also fitted with crash-buffers and devices to protect against the overriding of buffers, even though this is not currently required under RID.

The standing working group agreed that the innovation presented had the potential to improve the competitiveness of the railways. The meeting expressed its appreciation of the measures BASF had taken voluntarily, but also thought it was necessary



to make the equipment prescribed for tank-wagons for the carriage of dangerous goods mandatory for the carrying wagons used for these new extra-large tank-containers as well. As there was a great deal of market interest in this new technology, legal certainty should be established as soon as possible.

The standing working group agreed to hold a detailed technical discussion at the working group on tank and vehicle technology. In addition to comparing the provisions currently applicable to tank-containers and tank-wagons,

this working group should also, if necessary, formulate questions on the construction of such tank-containers, which should then be submitted to the RID/ADR/ADN Joint Meeting's tank working group.

Next session

The ninth session of the RID Committee of Experts' standing working group will be held in Berne from 28 to 30 May.

Jochen Conrad

52nd SESSION OF THE UN SUB-COMMITTEE OF EXPERTS ON THE TRANSPORT OF DANGEROUS GOODS (GENEVA, 27 NOVEMBER TO 6 DECEMBER 2017)

The 52nd session of the UN Sub-Committee of Experts was the second session in the 2017/2018 biennium. Its decisions form the common basis for all the mode-specific dangerous goods regulations. In the context of harmonising RID/ADR/ADN with the UN Recommendations on the Transport of Dangerous Goods, these decisions will also be carried over into the 2021 editions of RID, ADR and ADN.

The 52nd session of the UN Sub-Committee of Experts on the Transport of Dangerous Goods was held from 27 November to 6 December 2017 under the chairmanship of Mr Duane Pfund (United States of America). 24 States entitled to vote, 3 observer States, 6 governmental organisations and 28 non-governmental organisations were represented at the session. As all the decisions of the UN Sub-Committee of Experts have repercussions for the dangerous goods provisions of the various modes, the Intergovernmental Organisation for International Carriage by Rail (OTIF) was represented as a modal organisation.

Classification

Name of UN Number 3363

New UN numbers for articles are to be introduced into the 2019 edition of RID/ADR/ADN. In connection with this, it was decided to use the existing UN number 3363 (Dangerous goods in machinery or dangerous goods in apparatus), which was previously exempt from the provisions of RID/ADR/ADN, for such articles that only contain dangerous goods in limited quantities. Consequently, as from the 2019 edition of RID/ADR/ADN, UN number 3363 will no longer be completely exempt, but will be subject to certain provisions of RID.

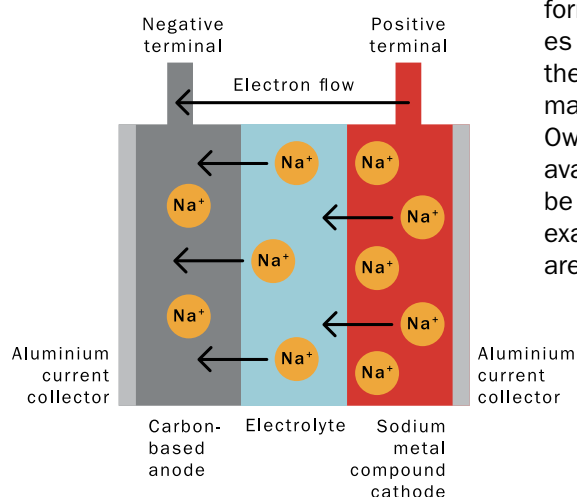
In the context of harmonising RID/ADR/ADN with the 20th edition of the UN Recommendations, the Joint Meeting recognised that in the proper shipping name of UN number 3363,

other devices should be mentioned in addition to machinery and apparatus, in order to ensure that it corresponds to the new entries for articles, which define articles as machinery, apparatus or other devices.

The UN Sub-Committee of Experts agreed to broaden this proper shipping name. The wording of special provision 301 that applies to UN number 3363 and of packing instruction P 907 was also adapted.

The representative of Switzerland raised a question of interpretation on the classification of uncleaned articles of new UN numbers 3537 to 3547, which are carried once the dangerous goods they contained have been removed. The UN Sub-Committee of Experts confirmed that these articles would not be assigned to UN number 3363, even if the quantities of dangerous goods were under the

Schematic showing the principles of a sodium-ion battery



As at the last session, only a few final decisions were taken at this second session of the 2017/2018 biennium. Most of the decisions can be looked at again during the next two sessions in this biennium.

The main points of discussion were the classification of sodium-ion batteries, the approval of portable tanks made of fibre-reinforced plastics and the multiple marking of packagings, IBCs and large packagings.

threshold for limited quantities.

Sodium-ion batteries

Sodium-ion batteries constitute a further development of lithium-ion batteries, in which sodium is used as the source of ions. Sodium-ion batteries are manufactured in the same way as lithium-ion batteries and have comparable energy density and performance. The main advantages of sodium-ion batteries are the better availability of the raw materials and increased safety. Owing to the almost unlimited availability of sodium, which can be obtained from seawater, for example, manufacturing costs are lower than for lithium-ion batteries (see also Bulletin 1/2016, p. 18).

Unlike lithium-ion batteries, sodium-ion batteries are proofed against deep

discharge and can be discharged for transport and storage down to a final discharge voltage of 0 V without being damaged. Full discharge is an important factor for battery safety, because the state of charge has a significant impact on the heat release rate and hence on the thermal stability of a battery during transport.

Sodium-ion batteries are not covered by the present regulations.

The United Kingdom submitted a detailed document to the UN Sub-Committee of Experts on the principles of how sodium-ion batteries work. The document explained the low risks inherent in this type of battery.

The UN Sub-Committee of Experts was of the view that further information was needed before it could be decided how these batteries should be dealt with in the UN Model Regulations (e.g. do not refer to them, as they are not considered dangerous, specifically exempt them or include special provisions for sodium-ion batteries).

Packing

Application of packing instruction P 003 to large articles

Packing instruction P 003 applies to the packing of articles, pressurized, pneumatic or articles, pressurized, hydraulic (UN 3164). According to this packing instruction, the packagings need not be type approved, but the maximum permissible net mass in a packaging is limited to 400 kg by the cross-reference to the construction requirements of 6.1.4. In contrast, according to the new packing instruction P 006, the new UN number 3538 to be included in RID/ADR 2019 (Articles containing non-flammable, non-toxic gas, n.o.s.) may also be carried unpackaged or on pallets, provided the dangerous goods are protected in an equivalent manner by the article in which they are contained.

Germany also proposed to allow the

possibility of carrying articles of UN number 3164 unpackaged, because otherwise, articles with a net mass of 400 kg could not be carried as the regulations stand at the moment.

In packing instruction P 003, the UN Sub-Committee of Experts decided to extend special packaging provision PP 32, which permits unpackaged transport, to robust articles of UN number 3164.

Marking IBCs with the maximum permitted stacking load

IBCs must bear a corrosion-resistant plate marked with the maximum permitted stacking load (see 6.5.2.2.1). 6.5.2.2.2 prescribes a symbol showing the maximum permitted stacking load applicable.

The question was raised as to whether it is sufficient to affix the symbol or whether the maximum permitted stacking load also has to be shown on the IBC's marking plate.

The UN Sub-Committee of Experts decided to delete the maximum permitted stacking load and the associated footnote b from the additional marks in 6.5.2.2.1.

Multiple marking of packagings, IBCs and large packagings

There is an increasing tendency amongst consignors to use packagings with more than one approval which simultaneously fulfil design criteria and performance test provisions of different design types. Such packagings have the advantage of being used flexibly. For example, these might be packagings that are approved for both liquids and solids, or IBCs that are simultaneously approved as boxes.

However, current experience with the use of multi-approved packagings reveals that the competent authorities have diverging views on the permissibility for transport.

The chemical industry is of the view that in order to ensure flexibility in the use of packagings, including IBCs and large packagings, multiple approvals should specifically be permitted in the regulations. At the same time, the multiple marking of packagings to indicate compliance with the provisions applicable to the various design types should also be permitted.

For the time being, the UN Sub-Committee of Experts adopted a text to deal with multiple markings under chapters 6.1, 6.5 and 6.6. The problem of the multiple marking of means of containment that meet the provisions of several of these chapters will be dealt with at the next session.

Nitrogen, compressed (UN 1066) as a protective agent

In the 2013 edition of RID, provisions were for the first time included in 5.5.3 for wagons/vehicles and containers containing substances presenting a risk of asphyxiation when used for cooling or conditioning purposes. Examples of such asphyxiating substances listed in 5.5.3 are dry ice (UN 1845), nitrogen, refrigerated liquid (UN 1977) and argon, refrigerated liquid (UN 1951).

The Russian Federation submitted a proposal to the UN Sub-Committee of Experts that had already been submitted to the RID Committee of Experts' standing working group at its session in November 2016, the aim of which was to extend the scope of 5.5.3 to other substances that present a risk of asphyxiation and that are used for protective purposes. Compressed nitrogen (UN 1066) was named as an example of a protective agent used in the carriage of terephthalic acid in the Russian Federation and CIS States (see Bulletin 1/2017, p.13).

The UN Sub-Committee of Experts agreed to several amendments to 5.5.3 proposed by the Russian Federation to make clear that the term "conditioner" also includes such as-

phyxiating substances as are used as protective agents.

Portable tanks

Fibre-reinforced plastics portable tanks

At present, portable tanks for global multimodal use are made exclusively of metal (steel, aluminium or aluminium alloys). In order to avoid particularly aggressive dangerous goods reacting with the metal shell during carriage, these tanks are often equipped with an internal protective lining. So in addition to the periodic inspection, the uninterrupted use of a portable tank is therefore limited by the lifetime of the internal protective lining.

In European land transport, it is already possible to use tank-containers made of fibre-reinforced plastics. The provisions for the construction and approval of such tank-containers are set out in Chapter 6.9 of RID and ADR.

Fibre-reinforced plastics or fibre composites are materials that consist of reinforcing fibres and a plastic matrix. The job of the fibres is to channel the stresses and provide the material with the necessary strength, while the plastic matrix serves as spatial fixation for the fibres and conducts stresses in and out. The plastic matrix also protects the fibres against environmental influences. The particular properties of fibre-reinforced plastics are achieved through the interaction between the two components. Fibre glass, carbon fibre or aramid fibre are often used as reinforcing fibres and epoxy resin, polypropylene or polyamide are used as the plastic matrix. Because of their properties, such as low weight, high fatigue resistance or ability to dampen vibrations, fibre-reinforced plastics are becoming a key technology for the light engineering industry (e.g. space engineering, aircraft industry, vehicle and shipbuilding, bridge engineering).

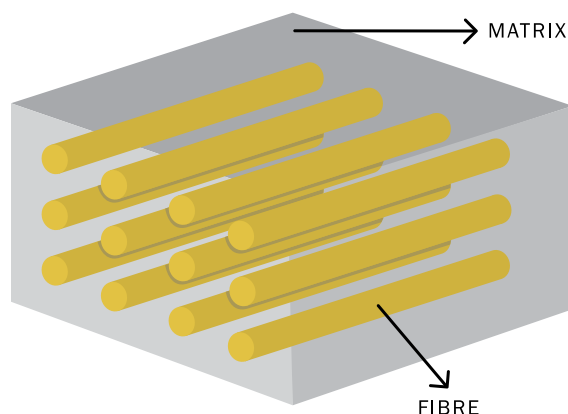
Portable tanks made of fibre-reinforced plastics have the following advantages compared with metal tanks:

- Lower weight
- Corrosion resistance
- No need for additional lining
- Lower thermal conductivity
- Higher impact resistance
- Easier to repair
- Lower transport, manufacturing and maintenance costs.

Based on the provisions contained in RID/ADR, Russia submitted a proposal to the UN Sub-Committee of Experts to include provisions for the construction, approval, testing and use of portable tanks made of fibre-reinforced plastics in the UN Model Regulations. The UN Sub-Committee of Experts welcomed this proposal and set up a new working group to deal with this issue over the next few years. The working group is to focus on the following subject areas:

- The evaluation of performance equivalence with metal tanks (with the focus on stress and fatigue resistance, chemical compatibility, ageing, fire resistance and impact resistance).
- Assessment of different materials for fibres and resins, including new technologies
- Different manufacturing techniques and performance evaluation methods
- Suitability for different classes of dangerous goods
- Existing regulations at international, regional or national level
- Specific periodic inspection needs including after repair and damage.

Composite fibre system consisting of fibres and matrix



Retirement of Mr Olivier Kervella

At the start of the meeting, the UN Sub-Committee of Experts was informed that Mr Olivier Kervella would be retiring at the end of November 2017. His request to continue working until he was 65, in anticipation of a UN Resolution that would enter into force on 1 January 2018, was rejected by the Personnel Division. The diplomatic notes several delegations sent to the Executive Secretary of the United Nations Economic Commission for Europe, in which they strongly supported Mr Kervella's request and pointed out the negative consequences of a lengthy vacancy in this post, were unable to alter this decision.

At the end of the meeting, the UN Sub-Committee of Experts expressed its deep appreciation and gratitude for Mr Kervella's work, his commitment and 35 years of service at the United Nations in the field of the carriage of dangerous goods and chemicals legislation. The UN Sub-Committee of Experts regretted the loss of his broad expertise in these areas and wished him every success in his future undertakings.

Next session

The 53rd session will be held from 25 June to 4 July 2018 in Geneva and will continue the work on the 21st revised edition of the UN Model Regulations.

*Jochen Conrad
Katarina Guricova*

WORKING GROUP OF LEGAL EXPERTS

Based on COTIF and in line with the relevant practice of OTIF and other intergovernmental organisations, a consultative and advisory working group of legal experts will start functioning in 2018.

Legal basis and practical needs

The Convention concerning International Carriage by Rail (COTIF) is an important international instrument providing uniform international railway law for about fifty states in Europe, Asia and Africa. OTIF Member States represent different legal traditions and railway market organisation structures, both economically and technically.

One of the aims of OTIF is to promote, improve and facilitate, in all respects, international traffic by rail, in particular by establishing systems of uniform law, as well as keeping a watch on the application of all the rules and recommendations established within the Organisation (Article 2 COTIF). The COTIF corpus juris ensures legal certainty and reduces the costs that arise as a result of having to use different legal systems and from evolving commercial and economic needs. There is an evident need to monitor, support and promote application of the applicable regulations, both internally within the Organisation and externally by the stakeholders.

As a result of the development of the railway market, the adaptability of COTIF is equally important, so the process of further development of “hard” and “soft” railway law has to be streamlined. The development of “hard” railway law implies amendments and supplements to COTIF, as well as the adoption of new binding international treaties in the framework of COTIF (Article 2). On the other hand, “soft” railway law implies the adoption of recommendations, declarations, codes of conduct etc., which are not binding in law. Last but not least, international railway law does not exist in a regulatory vacuum and it interfaces with other areas of law. This requires

a comprehensive interdisciplinary approach to development, both in law and in practice.

In order to achieve the Organisation’s aims and to reap the full benefits of COTIF, an appropriate institutional structure and monitoring scheme should be put into operation. This is why the OTIF Work Programme for 2018 – 2019 approved by 128th Administrative Committee (5 December 2017) provides for setting up a standing working group of legal experts. The establishment of the working group of legal experts is also on the agenda of the 26th Revision Committee (27 February – 1 March 2018).

Task and functions

The working group of legal experts will be of a preparatory and advisory nature. The task of the working group will be to assist and facilitate the functioning of the existing organs defined in Article 13 § 1 of COTIF in the legal field and to ensure the effective management of the Convention. The working group’s activities will be limited to the legal field and will cover international public and transport law, in particular all general legal areas in so far as they are relevant to international rail traffic. However, its activities will not cover the specialised “technical” areas of the transport of dangerous goods, interoperability and safety, which are dealt by the respective committees and their working groups.

The working group will not have any special authority under COTIF to interpret the provisions of the Convention or other legal acts and will not have any authority to take any binding decisions. Nevertheless, the organs of the Organisation may follow the interpretations given or adopt any measures

proposed. Therefore, any binding decisions will have to be taken by the existing competent organs. For instance, proposals concerning modification of the base Convention will have to be considered by the Revision Committee and adopted by the General Assembly. With regard to legal advice, it will only assist the competent organs and the latter will remain free to follow or reject the advice.

The working group of legal experts will be open to all the members of OTIF and relevant stakeholders (advisory capacity), particularly associations, partner intergovernmental organisations and railway undertakings, infrastructure managers, wagon keepers etc.

Functions of the working group of legal experts:

- *preparation of draft amendments or supplements to the Convention;*
- *provision of legal advice and assistance;*
- *promotion and facilitation of the functioning and implementation of COTIF;*
- *monitoring and assessing the application and implementation of COTIF;*
- *acting as a forum and think-tank for OTIF’s members to raise and discuss relevant legal questions.*

Work Programme

The work programme for 2018-2021 should include the following priority subjects:

- Develop a scheme to monitor and assess the application and implementation of COTIF

Different solutions are adopted at international level ranging from individual state reports to specific data bases

of relevant administrative and judicial practice. The appropriate monitoring scheme has to be agreed and proposed by the working group.

- Assess the interfaces between customs and transport regulations in order to ensure efficient international railway traffic. This issue is of particular importance in the area of freight transport

Article 6 § 7 of the CIM UR stipulates that in the case of carriage which takes place on the customs territory of the EU or the territory on which the common transit procedure is applied, each consignment must be accompanied by a consignment note satisfying the requirements of Article 7 of the CIM UR.

The Union Customs Code (UCC), which entered into force on 30 October 2013, has been applicable since 1 May 2016. It is part of the modernisation of customs. Its essential objective in particular is to make all customs formalities paperless by 31 December 2020. The link between the CIM contract of carriage and the simplified transit proce-

cedure will disappear. The working group should assess this issue and make proposals with regard to customs matters relating to the carriage of goods by rail.

- Assess the digitalisation of international transport, particularly transport documents

The European Commission has decided to define a digital strategy for the transport and logistics sector in Europe in the framework of the “digital transport and logistics forum” project, which is looking in particular at using and recognising electronic transport documents.

This work could also have implications for the provisions of the CIM UR, particularly Article 6 § 9 of the CIM UR, which says that the consignment note may be established in the form of electronic data registration. The working group may develop a strategy on this subject.

- Uniform contract for international train paths

Increasing the modal share of freight

is inconceivable unless there is real fluidity in international traffic and, in particular, a simple mechanism for allocating train paths. Based on existing international rules, namely CUI UR, and following the model of the GCU contract based on CUV, a coordinated and uniform legal framework for using international train paths should be established by the sector, with the support of OTIF.

- Other issues

The OTIF organs and members of the working group may propose other relevant items, for instance market access conditions or revision of a particular appendix.

Kick-off session of the working group

The Secretary General intends to convene the first session of the working group in the first half of 2018.

Aleksandr Kuzmenko

CALENDAR OF OTIF'S MEETINGS IN 2018

DATE	EVENT		LOCATION
12 - 16 March	RID/ADR/ADN Joint Meeting	UNECE	Berne - Switzerland
28 - 30 May	9 th session of the RID Committee of Experts' standing working group		Berne - Switzerland
28 - 30 May	55 th session of the RID Committee of Experts		Berne - Switzerland
31 May - 1 June	129 th Session of the Administrative Committee		Berne - Switzerland
12 - 13 June	11 th session of the Committee of Technical Experts		Berne - Switzerland

EVENTS WITH OTIF PARTICIPATION IN 2018

DATE	EVENT	ORG	LOCATION
12 - 13 March	Middle East Rail 2018	Government of the United Arab Emirates	Dubai
16 - 17 March	Crans Montana Forum on Africa & South-South Cooperation	Crans Montana Forum	Dakhla - Morocco
22 March	CIM Committee	CIT	Berne - Switzerland
5 April	International Transport Forum (ITF) Conference on Global Transport Security and Safety	ITF-OECD-Ministry of Transport of the Republic of Latvia	Riga - Latvia
10 - 12 April	ADN Editorial and translation conference	CCNR	Strasbourg - France
15 May	10 th World Congress on High-Speed Rail	UIC	Ankara - Turkey
15 - 18 May	Working Group on SMGS Annex 2 "Provisions for the Carriage of Dangerous Goods"	OSJD	Warsaw - Poland
15 - 17 May	(WP. 15) Working Party on the Transport of Dangerous Goods (104 th session)	UNECE	Geneva - Switzerland
23 May - 25 May	International Transport Forum (ITF) Summit 2018: Transport Safety and Security	ITF-OECD	Leipzig - Germany
12 - 13 June	Working Party on Customs Questions affecting Transport (WP.30)	UNECE	Geneva - Switzerland
25 June - 4 July	UN Sub-Committee of Experts on the Transport of Dangerous Goods (53 rd session)	UNECE	Geneva - Switzerland
27 - 28 June	CIM Committee	CIT	Berne - Switzerland
4 July	European Training Centre for Railways (ETCR) ETCR-Lecture	College of Europe, European Union Agency for Railways	Bruges - Belgium
4 - 5 July	CIM/SMGS Group of Experts	CIT	Berne - Switzerland

Dear readers

If you would like to subscribe to OTIF's publication, the Bulletin of International Carriage by Rail, please send an e-mail to the following address: media@otif.org

You can also read the Bulletin on OTIF's website (www.otif.org) under the tab headed "Media".

Thank you for your continued interest.

The Bulletin editor

Gryphenhübeliweg 30 CH - 3006 Berne

Tél. : + 41 (0)31 359 10 10 | Fax : + 41 (0)31 359 10 11 | info@otif.org | www.otif.org