



Bulletin

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Intergovernmental Organisation for International Carriage by Rail

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NEWS OTIF

- 4 Status of the Vilnius Protocol of 3 June 1999: full information online
- 4 Amendment of RID
- 5 Video-conference of OTIF's Administrative Committee and decision using the written procedure
- 5 Remote meeting on the Luxembourg Rail Protocol
- 6 2019 Annual Report online
- 7 A welcome desk for the international community based in Bern

COTIF

- 8 Depository notifications

COMMUNICATING AND DISSEMINATING

- 9 International Railway Summit – Webinar Rail
- 10 Involvement of the OTIF Secretariat in the EUMedRail project
- 11 Symposium: Swiss public transport at international level

DEVELOPMENT OF RAILWAY LAW OTIF-COTIF

- 12 The functioning of OTIF's organs in exceptional circumstances

RAILWAY TECHNOLOGY

- 15 New provisions based on the ATMF UR and APTU UR to be adopted in a vote using the written procedure
- 17 Draft new UTP concerning train composition and route compatibility checks

DIARY OF EVENTS

Photos

OTIF
IRS Rail Webinars
Bern.com/ibwd

EDITORIAL



Dear Readers,

“Post COVID: what will be the new normal for rail travel?” That was the title of a webinar I was able to take part in at the beginning of June, together with high-ranking international transport representatives.

A significant finding was that, taking a realistic view, rail transport will have to prepare better for comparable crisis situations in future too, and that a certain underlying resilience and proactive emergency planning will be vital.

In terms of OTIF’s tasks, this means that the Organisation’s method of working, which depends on international exchanges and

regular meetings, will have to adapt to the new challenges that arise, particularly as a result of the considerable travel restrictions. The well-known style of official travel across continents will probably no longer happen until further notice.

Fortunately, an examination of the relevant OTIF rules and its organs has revealed that they do not necessarily require a physical presence on the spot in Berne, but that tasks can also be carried out virtually with the help of the technical platforms that are available.

One positive experience is that this new way of working also enables those OTIF Member States that are geographically remote to play an active part in all the work.

The efforts to create international provisions on the composition of trains and route compatibility checks for vehicles demonstrate the importance of the rapid continuation of international work. The future architecture for registers and the development of international provisions concerning the entities in charge of maintaining vehicles also play a major role in the technical area.

Cooperation with the European Commission as part of the EUMedRail project has proven effective. This project regularly brings together states bordering the Mediterranean to discuss subjects surrounding safety and interoperability in rail transport and the carriage of dangerous goods.

Ensuring timely adaptation of the international railway dangerous goods legislation, despite meetings’ being cancelled, also requires enormous efforts on the part of all the participating organisations. Although the RID/ADR/ADN Joint Meeting in March and the RID Committee of Experts meeting in May had to be cancelled, it was possible to notify the 2021 amendments to RID so that they could enter into force on 1 January 2021 as originally planned.

More on these subjects can be found in this issue, which I hope you enjoy reading.

Wolfgang Küpper
Secretary General

STATUS OF THE VILNIUS PROTOCOL OF 3 JUNE 1999: FULL INFORMATION ONLINE

From June 2020, the OTIF Secretariat's Legal Department is providing a new document concerning the status of the Protocol of 3 June 1999 for the Modification of the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 (COTIF 99). The document is online on the Organisation's [website](#) and is available in [French](#), [German](#) and [English](#).

For each Member State, this document details and lists:

- signatures, ratifications, acceptances, approvals, accessions and entry into force of the Vilnius Protocol,
- reservations and declarations,
- non-approvals and objections to modifications to COTIF.

The document is an amalgamation of three previous documents and provides a complete and practical summary overview of the application of COTIF 1999.

AMENDMENT OF RID

On 13 June 2020, the amendments to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) to enter into force on 1 January 2021 were approved (adopted texts [OTIF/RID/NOT/2021](#)).

The RID Committee of Experts that was supposed to approve the amendments to RID prepared by its standing working group was unable to meet owing to the coronavirus pandemic (COVID-19). As a result, the request to approve the amendments to RID was dealt with using the written procedure. The 33 votes cast were all in favour of adopting the proposed amendments to enter into force on 1 January 2021 (see the Depositary Notification on [page 8](#) of this Bulletin).

Making sure that RID reflects the current state of the art technology in order to ensure the safe carriage of dangerous goods by rail is one of the main tasks of the

Intergovernmental Organisation for International Carriage by Rail (OTIF). The revision of RID every two years helps achieve this task.



VIDEO-CONFERENCE OF OTIF'S ADMINISTRATIVE COMMITTEE AND DECISION USING THE WRITTEN PROCEDURE

As a result of the spread of COVID-19 and the measures put in place in several of the Member States of the Intergovernmental Organisation for International Carriage by Rail (OTIF), the 133rd session of OTIF's Administrative Committee scheduled for 25 and 26 June had to be cancelled.

In accordance with the Administrative Committee's Rules of Procedure, the Chairman of the Committee, Mr Krzysztof Kulesza, in agreement with the Secretary General, Mr Wolfgang Küpper, therefore decided to hold a vote using the written procedure for those documents where decisions could not wait until the next session. These documents are the

Organisation's accounts for 2019, the 2019 Financial Management Report and the 2019 Annual Report.

In order best to prepare the decisions and documents, Administrative Committee delegates had the opportunity to meet and discuss them at a video-conference on 25 June 2020. The Secretary General of OTIF and the head of the Finance and Administration Department, Ms Lunesterline Andriamahatahitry, coordinated the meeting, which was interpreted into OTIF's three working languages from Berne in Switzerland.

All the Administrative Committee delegates attended and played

an active role in finalising the documents submitted to the Committee for approval using the written procedure.

The Secretariat would like to thank the delegates for taking part and express its satisfaction with how this special procedure worked.

REMOTE MEETING ON THE LUXEMBOURG RAIL PROTOCOL

On 7 July 2020, the Secretary General of OTIF, Mr Wolfgang Küpper, organised a remote meeting on the Luxembourg Protocol. The meeting was attended by Ms Lunesterline Andriamahatahitry, the head of OTIF's Finance and Administration Department, Mr Peter Bloch, Chairman of the Ratification Task Force (RTF) and Co-Chairman of the Preparatory Commission, Mr Howard Rosen, Chairman of the Rail Working Group (RWG)

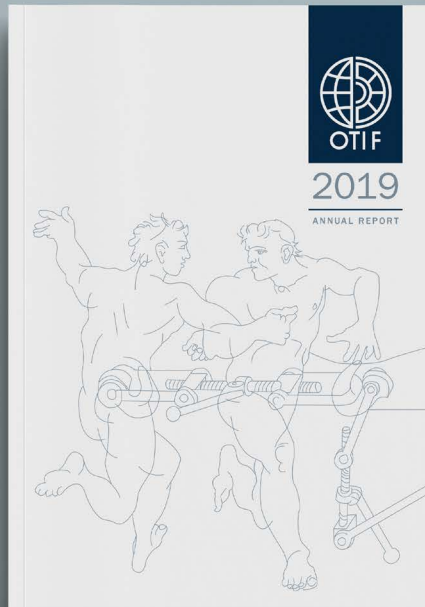
and Professor Anna Veneziano, Deputy Secretary General of the International Institute for the Unification of Private Law (UNIDROIT), which is the depositary of the Luxembourg Protocol.

It is clear that the ratification process is suffering as a result of the COVID pandemic crisis and that most contacts and discussions for the rest of 2020 will only take place remotely. Participants nevertheless noted that the

Protocol is continuing to garner interest in more countries and that it is receiving a favourable welcome in Europe and Africa.

Lastly, participants recalled at the meeting that OTIF would designate the states for the Supervisory Authority in accordance with the criteria that have already been approved by OTIF's Administrative Committee and in coordination with UNIDROIT.

2019 ANNUAL REPORT ONLINE



The Administrative Committee of the Intergovernmental Organisation for International Carriage by Rail (OTIF) adopted the 2019 Annual Report in the written procedure. The Report is available [online](#).

A WELCOME DESK FOR THE INTERNATIONAL COMMUNITY BASED IN BERN

The City of Bern, the Canton of Bern and the Swiss Confederation's Federal Department of Foreign Affairs have recently set up the International Bern Welcome Desk.

It has been designed as the preferred contact point for people coming from abroad to live in Bern who work for a diplomatic or consular service, a multilateral institution or an international undertaking. Its purpose is to provide information and advice on questions of relocation, accommodation, training, family, health, events, employment and leisure.

The Welcome Desk's website exists in [French](#), [German](#) and [English](#).

A combined service like this is easily accessible and is particularly useful for current and future staff of the OTIF Secretariat who come from various countries and different cultures.

The Secretary General, Mr Wolfgang Küpper, welcomes this initiative, which represents a very useful addition to the formal relations that already exist between OTIF, the Swiss Confederation

(host state) and the Canton and City of Bern.



DEPOSITARY NOTIFICATIONS

From 30 June 2020 – [last Bulletin](#)

NOT-20026	03.09.2020	List of CIM maritime and inland waterway services
NOT-20025	03.09.2020	List of CIV maritime and inland waterway services
NOT-20024	03.09.2020	List of CIV maritime and inland waterway services
NOT-20021	27.08.2020	List of CIM maritime and inland waterway services
NOT- RID-20016	01.07.2020	Amendments to the Regulation concerning the International Carriage of Dangerous Goods by Rail (RID) (RID)

INTERNATIONAL RAILWAY SUMMIT – WEBINAR RAIL

On 2 June 2020, the Secretary General of OTIF, Mr Wolfgang Küpper, took part as a speaker in a webinar organised by the International Railway Summit entitled “Post-COVID: what will be the new normal for rail travel”.

The discussion panel included Ms Elisabeth Werner, the Director of Land Transport at the European

Commission’s DG Mobility and Transport, Mr François Davenne, Director General of the International Union of Railways (UIC) and Ms Céline Fornaro, Managing Director, Head of European Industrials Equity Research, UBS.

The discussion was moderated by Mr Carlo Borghini, Executive Director of Shift2Rail.

The various speakers had to respond to a number of questions that have arisen in the rail sector since the lockdown was lifted. Will passengers again travel by train? What are the medium and long term consequences of lockdown for railway operators, governments and the supply sector? What lessons can be learnt from this health crisis? How will the rail sector be able to continue the growth that it has seen in recent years?

The Secretary General of OTIF recalled the importance of a more resilient rail system in the event of emergencies. He also pointed out that multilateral coordination was the key to a better response to the crisis.

[Watch the webinar](#)

“ **IRS RAIL WEBINARS** “

Rail needs multilateral coordination to best respond to crisis.

 **Wolfgang Küpper**
Secretary General
Intergovernmental Organisation for International
Carriage by Rail (OTIF)

#IRSRailWebinars

INVOLVEMENT OF THE OTIF SECRETARIAT IN THE EUMEDRAIL PROJECT

Since 2016, the European Commission and the Secretariat of OTIF have been developing synergies between the workshops organised under the EuroMed Rail Safety and Interoperability project (EUMedRail) and OTIF's activities, so that participants can take part in both events.

On 2 and 3 March 2020, the Secretariat of OTIF took part in the "EUMedRail seminar on Transport of Dangerous Goods" in Belgrade.

More recently, on 15 June

2020, Bas Leermakers, Head of OTIF's Technical Interoperability Department, participated in an EUMedRail meeting hosted by the European Union Agency for Railways.

The aim of the meeting was to provide information about the organisation, agenda and participation in the 40th session of OTIF's standing working group technology (WG TECH), which was to take place in the same week on 17 and 18 June 2020. EUMedRail beneficiaries which are not

members of OTIF - Egypt, Israel, Libya, Palestine - were invited to participate in the WG TECH meeting as observers and to join all other invited Member States.

Consequently, on 17 and 18 June 2020, delegates from Egypt, Israel and Palestine took part as observers in the 40th session of the WG TECH working group.

The [agenda](#) and [working documents](#) of WG TECH are publicly available (in English only) on the OTIF website.

BENEFICIARY COUNTRIES OF THE EUMEDRAIL PROJECT

Algeria
Egypt
Israel
Jordan
Libya
Lebanon
Morocco
Palestine
Tunisia

MEMBERS OF OTIF

Member States

Associate Member

Suspended Member State
Member State

Member State

EUMedRail project are fully compatible with COTIF.

3. COTIF provides a comprehensive international legal framework for:
 - Rail transport contracts
 - The carriage of dangerous goods by rail
 - The mutual recognition of railway vehicles and particular services related to these vehicles, such as maintenance.
4. Even for states currently without international rail connections, COTIF provides possibilities for intermodal applications under RID and CIM, for example where goods are transported by rail and by water under a single contract.
5. By acceding to COTIF, states will be involved in the further development of all the legal provisions of COTIF.

OTIF'S COOPERATION IN THE EUROPEAN UNION'S EUMEDRAIL PROJECT

The EuroMed Rail Safety and Interoperability project, funded by the European Commission (EUMedRail), is a cooperation project between the European Union and countries from the South Mediterranean region. Since 2018, the project has been implemented by ERA. The aim of the project is to improve the operation and efficiency of the Mediterranean rail transport system by regulatory reforms, training, and dialogue with the decision-makers.

There are strong synergies and complementarities between the EUMedRail project and the long term development of OTIF. The OTIF Secretariat has worked closely with the team responsible for implementing the EUMedRail project, in particular to explain the benefits of OTIF membership and the application of COTIF:

1. Harmonising approaches between countries will create economies of scale for technical railway products as well as institutional and operational alignment.
2. The European Union solutions promoted by the

SYMPOSIUM: SWISS PUBLIC TRANSPORT AT INTERNATIONAL LEVEL

On 2 July 2020, the Secretary General of the Intergovernmental Organisation for International Carriage by Rail (OTIF), Mr Wolfgang Küpper, took part in a symposium organised by the Swiss Public Transport Association entitled “Swiss public transport at international level: Switzerland’s cooperation with the EU and the CIT and OTIF organisations based in Berne”.

The Secretary General of OTIF was invited by the Association’s Director, Mr Ueli Stückelberger. The former gave a presentation on OTIF and the scope of application of the Convention concerning International Carriage by Rail (COTIF). The Secretary General

also highlighted the consistency and complementary nature of OTIF’s regulations and European Union (EU) law, which help support rail transport beyond the EU. OTIF ensures both legal and technical interoperability in support of seamless international transport and COTIF guarantees compatibility with EU law.

Cesare Brand, Secretary General of the International Rail Transport Committee (CIT), Mr Peter Füglistaler, the Director of the Swiss

Confederation’s Federal Office for Transport and Mr Luca Arnold, Swiss Federal Railways’ head of Regulation and International Affairs, also gave presentations and emphasised the importance of OTIF in cooperation between Switzerland and the EU in terms of safe international rail transport, particularly on the rail freight corridors.

The Secretary General of OTIF welcomes such participation.



Verband öffentlicher Verkehr
Union des transports publics
Unione dei trasporti pubblici

THE FUNCTIONING OF OTIF'S ORGANS IN EXCEPTIONAL CIRCUMSTANCES

OTIF's institutional law can be interpreted as allowing both physical and remote meetings as well as decision-making at meetings or by written procedure outwith meetings. It is therefore ensured that the Organisation and cooperation between its Member States can function fully, even in exceptional circumstances such as the pandemic.

As a result of the coronavirus (COVID-19) pandemic, OTIF's Member States have taken various preventive and containment measures to protect public health, including restrictions on travel and gatherings. Consequently, it has become impossible or very difficult to reach the quorum and to hold normal physical meetings.

Despite the persisting extraordinary circumstances and the related constraints and uncertainties, it is necessary to ensure that the Organisation functions fully. To this end, two sets of rules have to be analysed: COTIF and the Rules of Procedure of each organ. In both cases, a distinction should be made between what falls under formal rules and what falls under practice or usual working methods. The former is subject to a formal amendment procedure, whereas the latter can be adjusted.

COTIF

COTIF is a treaty within the meaning of the term as defined in the 1969 Vienna Convention on the Law of Treaties (see Article 2, paragraph 1, letter (a)). Moreover, COTIF established a subject of international law – OTIF – which is entrusted with the task of realising certain common goals in the area of international railway transport. Therefore, COTIF as a constituent instrument of an international organisation is also a treaty of a particular type.

For the purpose of defining interpretation rules applicable

to COTIF, it is worth referring to the International Court of Justice Advisory Opinion of 8 July 1996 'Legality of the Use by a State of Nuclear Weapons in Armed Conflict', in particular paragraph 19:

"From a formal standpoint, the constituent instruments of international organizations are multilateral treaties, to which the well-established rules of treaty interpretation apply. [...] But the constituent instruments of international organizations are also treaties of a particular type; their object is to create new subjects of law endowed with a certain autonomy, to which the parties entrust the task of realizing common goals. Such treaties can raise specific problems of interpretation owing, inter alia, to their character which is conventional and at the same time institutional; the very nature of the organization created, the objectives which have been assigned to it by its founders, the imperatives associated with the effective performance of its functions, as well as its own practice, are all elements which may deserve special attention when the time comes to interpret these constituent treaties.

According to the customary rule of interpretation as expressed in Article 31 of the 1969 Vienna Convention on the Law of Treaties, the terms of a treaty must be interpreted "in their context and in the light of its object and purpose" and there shall be "taken into account, together with the context: [...] any subsequent practice in

the application of the treaty which establishes the agreement of the parties regarding its interpretation".

COTIF describes the aim of the Organisation as follows: "to promote, improve and facilitate, in all respects, international traffic by rail" (COTIF Article 2 § 1). The structure and functioning of the Organisation are defined in Title III (Articles 13 – 24) of COTIF.

COTIF Article 13 § 1 lists the organs that ensure the functioning of the Organisation. In accordance with COTIF Article 13 § 2, the General Assembly may also decide to establish other temporary committees for specific tasks. With regard to the functioning of the organs, COTIF only establishes basic rules, such as those concerning the composition, quorum, decision-making and representation of a Member State by another Member State. All procedural rules implementing basic provisions of the Convention have to be defined by each organ in their respective Rules of Procedure.

As a general rule, COTIF does not define either a venue for the meetings of OTIF's organs or their format (i.e. physical or remote). There is only one exception: "the [Administrative] Committee shall meet at the headquarters of the Organisation, but it can decide otherwise" (COTIF Article 15 § 8).

With regard to determining the quorum and decision-making rules, COTIF refers to the Member States represented (COTIF Articles 14 §§ 4 and 6, 15 §§ 6 and 7, 16 § 4,

17 § 2, 18 § 2, 19 § 2 and 20 § 2). Taking into account that COTIF offers the possibility for a Member State/member to arrange representation by another Member State/member (COTIF Articles 14 § 4, 15 § 6 and 16 § 3), the meaning of 'represent' is not limited to being physically present at a meeting on behalf of a Member State.

The above provisions of the Convention interpreted in accordance with the ordinary meaning of terms used, in their context and in the light of the object and purpose of the Convention, must be read as authorising OTIF's organs to meet and take decisions not only in physical meetings, but also in remote meetings, as well as by written procedure.

Rules of Procedure

Detailed rules on organising and conducting the discussions and decision-making of each organ are set out in their respective Rules of Procedure: *General Assembly* Rules of Procedure (current version applicable from 25 September 2018), Rules of Procedure of the *Administrative Committee* (current version applicable from 1 February 2016), Rules of Procedure of the *Revision Committee* (current version applicable from 27 February 2018), Rules of Procedure of the *Committee of Experts on the Transport of Dangerous Goods* (current version adopted on 30 May 2018), Rules of Procedure of the *Committee of Technical Experts* (version applicable from 11 February 2009), Rules of Procedure of the *ad hoc Committee on Cooperation* (version applicable from 27 March 2019), Rules of Procedure of the *Rail Facilitation Committee* (version applicable from 16 November 2010) and Rules of Procedure of the *Working Group of Legal Experts* (version applicable from 26 March 2019).

Before proceeding to an analysis

of relevant provisions of the Rules of Procedure, which are secondary law (derived law) of OTIF, it is necessary to determine applicable interpretation rules. Secondary law (various legal instruments, such as rules of procedure, resolutions, decisions etc.) is derived from primary law (treaties) and is adopted within the institutional framework of an organisation. The Vienna Convention on the Law of Treaties (1969) and Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations (1986) apply to treaties only. However, rules of interpretation in the Vienna Conventions express customary law and apply by analogy to the interpretation of secondary law of international organisations, taken due to a particular legal nature of secondary law. Lastly, there is considerable scope of authentic interpretation by organs which have enacted a particular secondary instrument (See International Court of Justice Advisory Opinion of 22 July 2010 'Accordance with international law of the unilateral declaration of independence in respect of Kosovo' with regard to the interpretation of Security Council resolutions, in particular paragraph 94).

The rules of procedure within OTIF's legal order are adopted by each organ independently. Such rules have only an internal legal effect within the Organisation. Their adoption procedure considerably differs from the adoption of a treaty or amendments thereto. The rules of procedure are binding upon all members of an organ, irrespective of their vote. The objective of rules of procedure, in general, is to ensure the functioning of organs and, in particular, orderly proceedings and fairness for all participants.

In the light of the object and purpose of COTIF and rules of procedure of OTIF's organs, the

latter have to be interpreted and applied in such a way that the Organisation remains capable of performing its functions under changing circumstances, particularly in terms of ensuring continuity of cooperation between its members.

There are important differences between the rules of procedure of different OTIF organs. These differences are only partially based on underlying provisions of the Convention. Nevertheless, a detailed analysis of each individual provision will be omitted, as it is not necessary.

As a general rule, the rules of procedure of OTIF's organs state that an invitation should indicate a place (venue). Only with regard to the General Assembly and the Administrative Committee is it required that the venue should be the headquarters of the Organisation, but it could be decided otherwise. Taking into account modern information and communication technologies, the 'place' of a meeting can be interpreted not only as a physical place, but also as a 'virtual place' using remote conferencing technologies.

As a general rule, the rules of procedure of OTIF's organs state that for the purpose of determining the quorum, Member States (or members) have to be represented. The Rules of Procedure of the Administrative Committee refer to being 'present or represented'. Only in case of the Committee of Technical Experts is reference made to being 'represented in the meeting room'. As has already been said, the notion of being 'represented' does not require physical presence, as remote participation also ensures representation; the same applies to the notion of being 'present'. The notion of 'meeting room' could also cover both a physical and a virtual meeting room.

The rules of procedure of OTIF's organs make it possible to take decision by written procedure outwith a meeting. The only exception is the General Assembly, where a written procedure is not expressly provided. However, in exceptional circumstances, the General Assembly may take decisions by a written procedure as well.

The rules of procedure of OTIF's organs can be interpreted as allowing the organisation of virtual meetings. Moreover, decision-making by written procedure, even if it is not expressly provided for, is also possible. However, holding

virtual meetings under existing rules of procedure is a question of interpretation by each organ, so such interpretation has to be accepted by each organ separately.

Finally, irrespective of the particular form of a meeting of an OTIF organ, the requirements laid down by the rules of procedure, in addition to those set out in the Convention, must be applied.

Conclusions

The Convention and the rules of procedure of OTIF's organs can be interpreted as allowing both

physical and remote meetings. In the case of remote meetings, all requirements as regards powers, quorum, voting, proceedings etc. remain unchanged and applicable. OTIF's organs can take decisions by a written procedure, as this is expressly provided for (committees and working groups) in the rules of procedure or is implied, as in the case of the General Assembly.

Aleksandr Kuzmenko

NEW PROVISIONS BASED ON THE ATMF UR AND APTU UR TO BE ADOPTED IN A VOTE USING THE WRITTEN PROCEDURE

Each June, the Committee of Technical Experts (CTE) gives the Member States an opportunity to decide on the adoption of Uniform Technical Prescriptions (UTPs) and the validation of Technical Standards and on the adoption of provisions concerning the technical admission of railway material intended to be used for international traffic within the scope of the APTU UR and ATMF UR.

This year, five legal texts were prepared for decision by the 13th session of the CTE.

DECISION-MAKING BY THE COMMITTEE OF TECHNICAL EXPERTS (CTE)

A decision to adopt COTIF legal texts based on the ATMF UR and APTU UR can be taken in two ways: during a meeting or by a vote using the written procedure.

In accordance with Article 20 § 1 b) of COTIF and Article 6 of the APTU UR (Appendix F to COTIF), the CTE is competent to take decisions about the adoption of a Uniform Technical Prescription (UTP) or a provision amending a UTP.

In accordance with Article 20 § 1 e) of COTIF and Article 15 § 2 of the ATMF UR (Appendix G to COTIF), the CTE is competent to adopt and amend rules for the certification and auditing of Entities in Charge of Maintenance (ECMs).

In accordance with Article 20 § 1 e) of COTIF and Article 13 §§ 1, 4 and 5 of the ATMF UR, the CTE is competent to take decisions concerning the functional and technical architecture of registers.

As a result of the coronavirus pandemic, people in many OTIF Member States have been facing exceptional circumstances,

including restricted travel abroad or quarantine following travel abroad. Consequently, it was not possible physically to hold the 13th session of the CTE.

Postponing the decision to adopt the texts to June 2021 would have meant that the five legal texts proposed would only have entered into force at the end of 2021 or early in 2022. Such a delay could have a negative impact on international rail operations and traffic.

For these reasons, the Secretariat and the Chair of the 12th session of the CTE (Switzerland) decided to launch a vote using the written procedure. Before doing so, the Member States were able to have a final review of the proposals during the 40th session of the working group Technology (WG TECH), which was held remotely on 17 and 18 June.

In accordance with Article 16 § 1 of COTIF, Member States eligible to vote are those which have not made a declaration of non-application pursuant to Article 42 § 1 of COTIF with respect to Appendix F (APTU UR) and Appendix G (ATMF UR). The circular letter and the documents subject to the vote using the written procedure are publicly available on [OTIF's website](#).

Member States have until Wednesday, 30 September 2020 to submit their votes.

Below is a summary of the five proposals for decision:

UTP concerning rolling stock noise (UTP NOI)

The amended UTP proposes the concept of “quieter routes” for railway lines where rail freight noise should be reduced. This concept would allow states to ban the use of noisy wagons completely on certain lines and encourage the use of wagons that comply with lower noise emission requirements, thus protecting the environment and public health.

With the entry into force of this UTP, Contracting States should provide information in advance on whether and where they have designated “quieter routes” in order to facilitate the composition of trains. Contracting States that do not notify “quieter routes” are presumed to continue to accept existing wagons which do not meet the modern requirements on noise.

UTP concerning freight wagons (UTP WAG)

The main reason for the modifications to this UTP is to keep it up to date with new legal and technical developments. The changes include:

- new requirements concerning automatic variable gauge running gear,
- provisions concerning the handling and maintenance of safety critical components, and
- new rules applicable when existing wagons or existing types of wagons are modified, including rules on whether or not the changes require a new admission to international traffic.

In addition, an update to the procedure in relation to competences of the CTE and the Secretary General concerning "innovative solutions" for freight wagons is proposed.

UTP concerning vehicle marking (UTP marking)

The modifications to the UTP are editorial corrections and clarify the process of assigning a unique vehicle number (EVN). The modifications also include

improvements to the requirements for the Vehicle Keeper Marking (VKM). Correct vehicle marking is important for the identification of the vehicle and its keeper and to indicate in which states the vehicle is admitted to operation.

Full revision of the rules for certification and auditing of entities in charge of maintenance (ECM)

Compared with the existing rules, the proposed new provisions mainly extend the scope of certification beyond its previous scope, which was limited to the certification of freight wagon ECMs. As a general rule, the proposal is that the ECMs of all types of vehicles should be certified, although some exceptions to this general rule are stipulated.

Full revision of the specifications concerning vehicle registers

It is necessary to update these specifications to reflect new legal

and technical developments. The specifications define harmonised data content, data formatting and access rights for vehicle registers so that vehicle-related data can be accessed by authorised users and exchanged between such registers more easily. The specifications also take into account the new centralised European Vehicle Register (EVR) established by the European Union.

Technical Interoperability Department

DRAFT NEW UTP CONCERNING TRAIN COMPOSITION AND ROUTE COMPATIBILITY CHECKS

At the 40th session of the OTIF working group technology (WG TECH, 16-17 June 2020), the Secretariat presented for review a first draft of a possible future uniform technical prescription (UTP) concerning train composition and route compatibility checks. This article explains the background and reasons for initiating the development of this new UTP.

The APTU and ATMF Uniform Rules provide the rules and procedures on the basis of which vehicles can be admitted for use in international traffic (see also [Bulletin 2/2020](#)). In order to allow innovation, optimise vehicles for particular lines or tasks and provide flexibility for business needs, the technical rules for vehicles are, as far as possible, functional, without mandating specific technical solutions. As a consequence, different vehicles may have different technical characteristics, such as the maximum axle load, gauge and maximum operational speed. The safe and correct use of vehicles is the responsibility of railway undertakings. It is therefore important that before they use a vehicle, railway undertakings ensure firstly, that the vehicle is compatible with the train in which it is integrated and secondly, that the train is compatible with the lines on which it is intended to run.

History

There is some history in OTIF to the development of rules concerning train composition and route compatibility checks.

The 5th session of the Committee of Technical Experts (CTE) held in 2012 (Bern, 23-24 May 2012) concluded that it was necessary to develop OTIF regulations in the domain of safety management and mandated the standing working group (WG TECH) to prepare proposals. At its 17th session (Bern,

4-5 September 2012) WG TECH established the ad-hoc subgroup for safety which convened for three sessions in 2012-2013. The aim of the subgroup was to analyse what was needed and the possibilities in terms of developing certain safety management principles in OTIF's regulations. The ad-hoc subgroup for safety reported to the 6th session of CTE (Geneva, 12-13 June 2013) and wrote in its conclusions (document A 92-04/2.2012_v05, [accessible here](#)):

The functionality and compatibility of the interfaces between wagons, such as the coupling system and the brake system, are not mandatorily harmonised in the draft revised UTP/TSI WAG. The UTP/TSI fully covers the safety of these interfaces, in the sense that it is possible to operate the wagon safely when using it in accordance with the conditions and limits of use as defined in the technical file. This does not mean that every wagon can be operated in combination with every other wagon. During train composition and loading, the conditions and limits of use of each individual vehicle must be clear and must be respected and the requirements applicable to the train must be complied with.

The ad-hoc subgroup for safety recommended:

- As a first step, to revise the UTP WAG, including provisions

relating to train composition and the use of wagons.

- Secondly, to consider any necessary amendments to the ATMF Uniform Rules and their explanatory notes.
- Thirdly, to consider the development of a UTP OPE (covering operational matters).

The CTE endorsed the conclusions and recommendations of the ad-hoc subgroup for safety. The implementation of the recommendations resulted in the actions as follows.

Firstly, Appendix I to the UTP WAG was developed, which entered into force on 1 January 2014. This new appendix set out provisions to be applied by railway undertakings to train composition and the use of wagons. Subsequently, the UTP LOC&PAS, which entered into force on 1 January 2015, also contained similar provisions in its Appendix K. Both Appendices to the UTPs were based on, and were compatible with, the European Union OPE TSI (Commission Decision 2012/757/EU of 14 November 2012).

Secondly, the ATMF Uniform Rules were revised by the Revision Committee at its 25th session (Bern, 25-26 June 2014), most notably by adding a new Article 15a concerning train composition and operation. The revised texts entered into force on 1 July 2015.

Subsequently, the APTU Uniform

Rules were also revised by the Revision Committee at its 26th session (Bern, 27-28 February 2018) by adding the requirement to Article 8 § 4 that UTPs should:

“indicate the parameters of the vehicles and fixed subsystems to be checked by the railway undertaking and the procedures to be applied to check those parameters to ensure compatibility between vehicles and the routes on which they are to be operated.”

The revised APTU Uniform Rules entered into force on 1 March 2019. These developments created a solid legal basis for implementing the third recommendation of the ad-hoc subgroup for safety by developing a UTP covering operational requirements for the correct use of vehicles and, in particular, train composition and route compatibility checks. Future adoption of the UTP on train composition and route compatibility checks (UTP TCRC) would therefore be the final step in the development, which started in 2012, of harmonised provisions for the safe use of vehicles.

Development of a new UTP

In early 2020, at the request of WG TECH, the OTIF Secretariat started drafting the new UTP concerning train composition and route compatibility checks (UTP TCRC). The draft new UTP is different from most other UTPs, in that it is not based on one single European Union Technical Specification for Interoperability (TSI). Instead, it brings together a select number of parameters from two different EU legal texts, namely the TSI on Operation and traffic management (OPE TSI, Commission Implementing Regulation 2019/773/EU) and the specifications for the register of infrastructure (RINF Commission Implementing Regulation (EU) 2019/777 of 16 May 2019).

The draft new UTP covers two different subjects:

- Train composition, which is the process in which, based on the technical file of each vehicle, the railway undertaking prepares the train for operation and ensures that all vehicles in the train and the train as a whole meet the essential requirements, such as safety, reliability, availability, health, environmental protection, technical compatibility and accessibility.
- Route compatibility checks, in which, based on route information provided by the infrastructure manager, the railway undertaking ascertains that the train as a whole and all of its vehicles individually are compatible with the route on which it intends to run the train.

The new UTP parameters would harmonise the implementation and correct application of the ATMF provisions, in particular Article 6 § 2 and Article 15a, which lay down the railway undertakings' responsibilities when using vehicles in international traffic. Such harmonisation would facilitate the international operation of trains by reducing or avoiding duplicate procedures for railway undertakings when composing a train and checking compatibility with the routes on which the train will run.

Although the main substance in the draft new UTP is taken over from the OPE TSI, not all matters dealt with by the OPE TSI have been taken over, as some matters are not relevant in the scope of the ATMF Uniform Rules. For example, the draft new UTP does not deal with the actual running of trains or safety certification and licencing of railway undertakings and infrastructure managers, as these subject do not fall within the scope of the APTU or ATMF Uniform Rules, but within the scope of the future EST Uniform

Rules adopted by the General Assembly at its 13th session (Bern, 25-26 September 2018). The entry into force of the EST Uniform Rules is still pending approval by 2/3 of the Member States, so the subjects referred to remain subject to the law applicable in each Contracting State until the EST Uniform Rules enter into force.

The UTP TCRC is intended to replace both Appendix I to the 2014 UTP WAG and Appendix K to the 2015 UTP LOC&PAS. The new draft UTP WAG (proposal for adoption June 2020) and the draft UTP LOC&PAS (draft working document for WG TECH 40, June 2020) contain references to route compatibility checks in which railway undertakings check all the relevant parameters of freight wagons to ensure their compatibility with the route on which they will be used.

Planning

After its first review at the 40th session of WG TECH in June 2020, the draft new UTP TCRC will subsequently be reviewed at the 41st session of WG TECH (9 and 10 September 2020, remote meeting) and the 42nd session of WG TECH (17 and 18 November). As a next step, the draft UTP may then be proposed for adoption by the Committee of Technical Experts, scheduled for 15 and 16 June 2021. If the Committee of Technical Experts adopts the UTP TCRC, its expected date of entry into force would be 1 January 2022.

Bas Leermakers

CALENDAR OF OTIF'S MEETINGS IN 2020

DATE	EVENT	ORG	LOCATION
6 - 7 October	Working Group on Tank and Vehicle Technology		Berne - Switzerland (VIDEO-CONFERENCE)
20 October	Ad hoc Committee on Cooperation; 3 rd session		Berne - Switzerland (VIDEO-CONFERENCE)
20 - 22 October	Working Group of Legal Experts; 3 rd session		Berne - Switzerland (VIDEO-CONFERENCE)
3 - 4 November	Administrative Committee 133		Berne - Switzerland (HYBRID MEETING)
17 - 18 November (to be confirmed)	WG TECH 42		Berne - Switzerland (VIDEO-CONFERENCE)
23 - 26 November	RID Committee of Experts' standing working group (12 th session)		Berne - Switzerland (VIDEO-CONFERENCE)

EVENTS WITH OTIF PARTICIPATION IN 2020

DATE	EVENT	ORG	LOCATION
22 September	TAF TSI Working Party – kick-off meeting	ERA	(VIDEO-CONFERENCE)
24 September	Expert group, 4 th Railway Package	European Commission DG MOVE	(VIDEO-CONFERENCE)
28 - 30 September	Group of Experts towards Unified Railway Law (GEURL), 22 nd Session	UNECE	Geneva - Switzerland
29 September	Topical working group Freight – digital automatic coupler	ERA	(VIDEO-CONFERENCE)
30 September	EU International Passenger Rail Platform	European Commission	(VIDEO-CONFERENCE)
7 - 8 October	Working party on telematics application for freight	ERA	(VIDEO-CONFERENCE)
21 October	Working party on the revision of the LOC&PAS TSI and the WAG TSI	ERA	(VIDEO-CONFERENCE)
27 - 30 October	OSJD Commission for Transport Law in the field of provisions for the carriage of dangerous goods	OSJD	Warsaw - Poland
3 - 4 November	Österreichische Gefahrgut-Tage 2020	Wirtschafts- kammer Österreich	Vienna - Austria

EVENTS WITH OTIF PARTICIPATION IN 2020

DATE	EVENT	ORG	LOCATION
10 - 11 November	Railway Interoperability and Safety Committee (RISC)	European Commission	Brussels - Belgium
9 - 13 November	Working Party on the Transport of Dangerous Goods (WP.15) (108 th session)	UNECE	Geneva - Switzerland
16 - 18 November	UIC Group of Experts on the Carriage of Dangerous Goods	UIC	Paris - France (VIDEO-CONFERENCE)
18 - 20 November	Working Party on Rail Transport (74 th session) (SC. 2)	UNECE	Geneva - Switzerland
19 November	CIT General Assembly	CIT	Berne - Switzerland
30 November - 1 December	International Rail Forum & Conference	OLTIS Group	Prague - Czech Republic
30 November - 8 December	UN Sub-Committee of Experts on the Transport of Dangerous Goods (57 th session)	UNECE	Geneva - Switzerland



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