

OTIF



**ORGANISATION INTERGOUVERNEMENTALE POUR
LES TRANSPORTS INTERNATIONAUX FERROVIAIRES**

**ZWISCHENSTAATLICHE ORGANISATION FÜR DEN
INTERNATIONALEN EISENBAHNVERKEHR**

**INTERGOVERNMENTAL ORGANISATION FOR INTER-
NATIONAL CARRIAGE BY RAIL**

**Press Release
06.08.2010**

Legal certainty in sight for the rail sector in the EU

Non-application of the OTIF provisions on infrastructure, railway material and related approvals is no longer justified

The Appendices to the Convention concerning International Carriage by Rail (COTIF) laying down the provisions concerning infrastructure (Appendix E, CUI), railway material (Appendix F, APTU) and their technical approval (Appendix G, ATMF) have been aligned with EU law and will enter into force on 1 December 2010, thus bringing 4 years of legal uncertainty to an end for the rail sector in Europe.

The series of declarations by the EU COTIF States not to apply these Appendices was triggered by the entry into force of COTIF '99 on 1 July 2006 and by the EU's realisation under the law of contracts that the Convention does not contain a disconnection clause placing EU law on an equal footing with the international law of OTIF.

Last year, the constructive cooperation of recent years between OTIF, its Member States and the European Commission on revising these Appendices came to a successful conclusion, so that now they have been adopted by OTIF's Revision Committee, they will enter into force on 1 December 2010. As the deputy Secretary General of OTIF, Dr Gustav Kafka, explained in Berne: "in order to restore legal certainty in the rail sector, the Member States that have made a declaration not to apply Appendices E, F and G must withdraw these declarations in good time, as there is absolutely no need for them any longer."

http://www.otif.org/no_cache/en/news.html

PR_Gleichschaltung EU und OTIF Recht_06_08_2010_e.doc