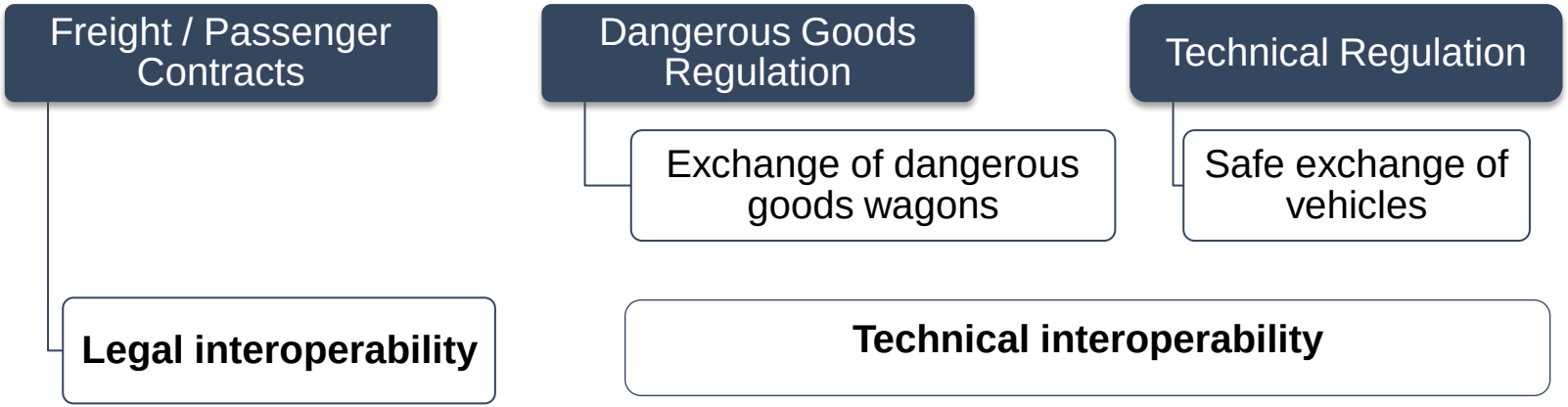
Technical and legal interoperability

Secretary General of OTIF François Davenne

Baku, 3 May 2016

COTIF – developing uniform law

- Founded in 1893 in Bern
- Applies to international traffic by rail
- Is international law
- Member States can make declarations not to apply selected parts of COTIF



État au 14 avril 2016
Stand 14. April 2016
Situation on 14th April 2016

Champ d'application géographique de la COTIF et ses appendices
Geografischer Anwendungsbereich des COTIF und dessen Anhänge
Geographical scope of COTIF and its appendices

Tous les appendices de la COTIF (42)*
Alle Anhänge des COTIF (42)*
All COTIF appendices (42)*

Sans CUI/APTU/ATMF (1)
Ohne CUI/APTU/ATMF (1)
Without CUI/APTU/ATMF (1)

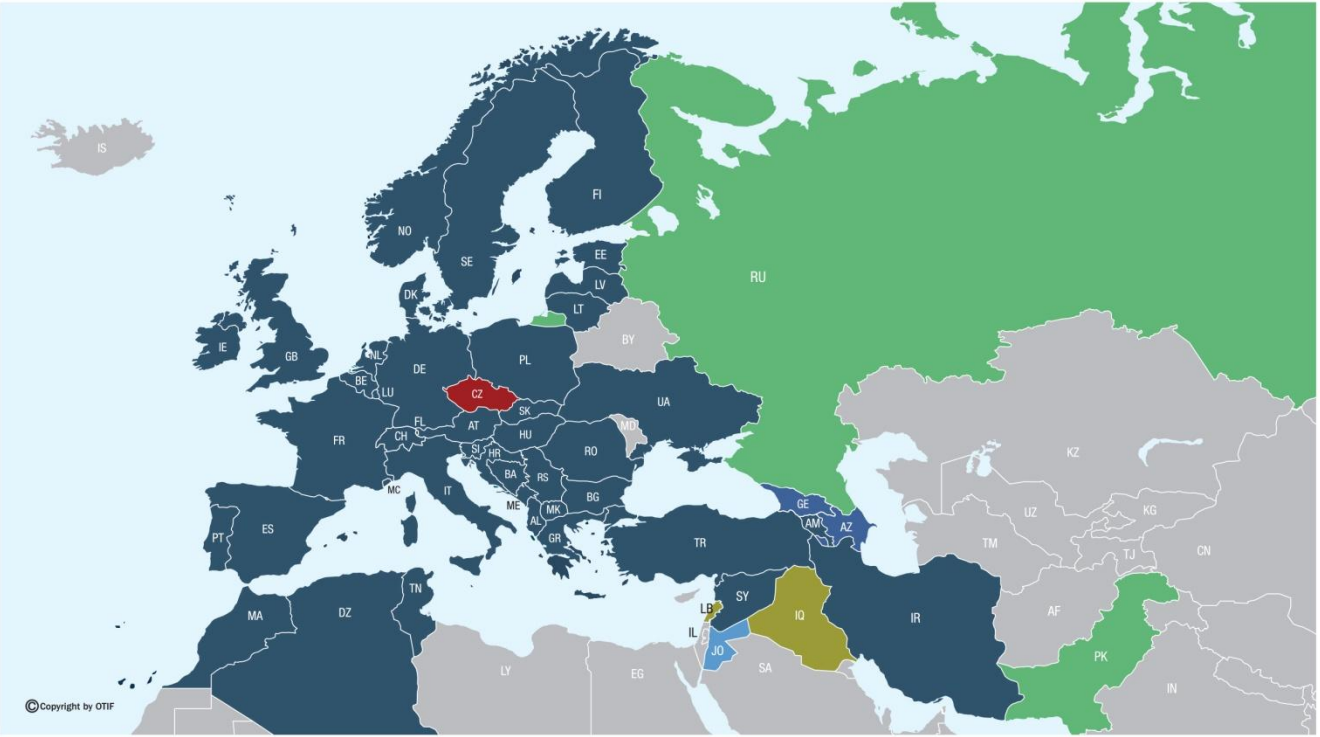
Sans CUV/CUI/APTU/ATMF (2)
Ohne CUV/CUI/APTU/ATMF (2)
Without CUV/CUI/APTU/ATMF (2)

Membres associés (1)
Assoziierte Mitglieder (1)
Associate Members (1)

Sans CIV/RID/CUV/CUI/APTU/ATMF (2)
Ohne CIV/RID/CUV/CUI/APTU/ATMF (2)
Without CIV/RID/CUV/CUI/APTU/ATMF (2)

Suspension de la qualité de membre (2)
Ruhen der Mitgliedschaft (2)
Membership suspended (2)

*GB: Sans CUI
Ohne CUI
Without CUI



Comparing EU and OTIF regulations

	EU	OTIF
Objectives	Improve efficiency and market share of rail	Promote, improve and facilitate international traffic
Scope of regulation	Domestic and international traffic in EU	International traffic between OTIF Member States
Market model	EU Member States are required to open their rail markets to competition	OTIF does not have requirements imposing a particular market model
Scope of application	Interoperability and safety Organisation of railways Competition regulation Passengers' rights Dangerous goods regulation	Approval and use of vehicles Uniform contract law: • passengers/freight • use of vehicles • use of infrastructure Dangerous goods regulation

Unified railway law to connect Europe, Asia and Africa:

Railways as international networks

Connected

- Purely national networks belong to the past
- A regional approach is vital

Uniform

- Common technical and contract law
- Common high level rules

Interoperable

- Common technical rules
- Common interfaces definition
- Partnership based approach with other organisations

Developing an international interoperability model

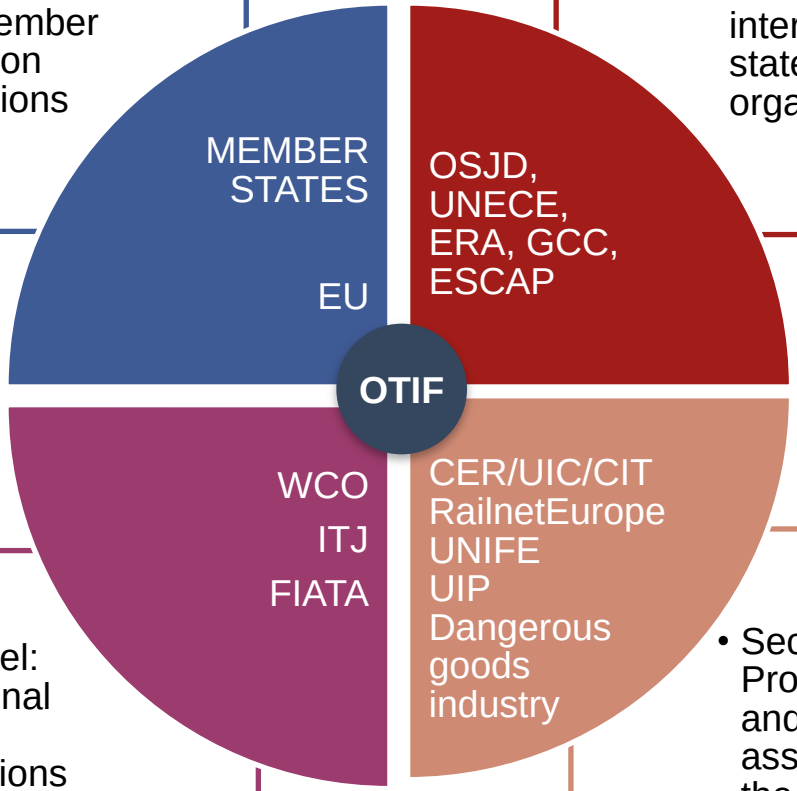
Modal shift towards significant Eurasian freight transport by rail

Reducing GHG emissions and foster human development

OTIF partnerships

- Member States and/or member cooperation organisations of OTIF

- First Level: international state organisations



- Third Level: Professional and state organisations

- Second Level: Professional and user associations in the rail sector

12th General Assembly : The legal Appendices

COTIF- Convention concerning international carriage by rail + Appendices

Appendix A

CIV

Uniform Rules concerning the **Contract of International Carriage of Passengers by Rail**

Appendix B

CIM

Uniform Rules concerning the **Contract of International Carriage of Goods by Rail**

Appendix D

CUV

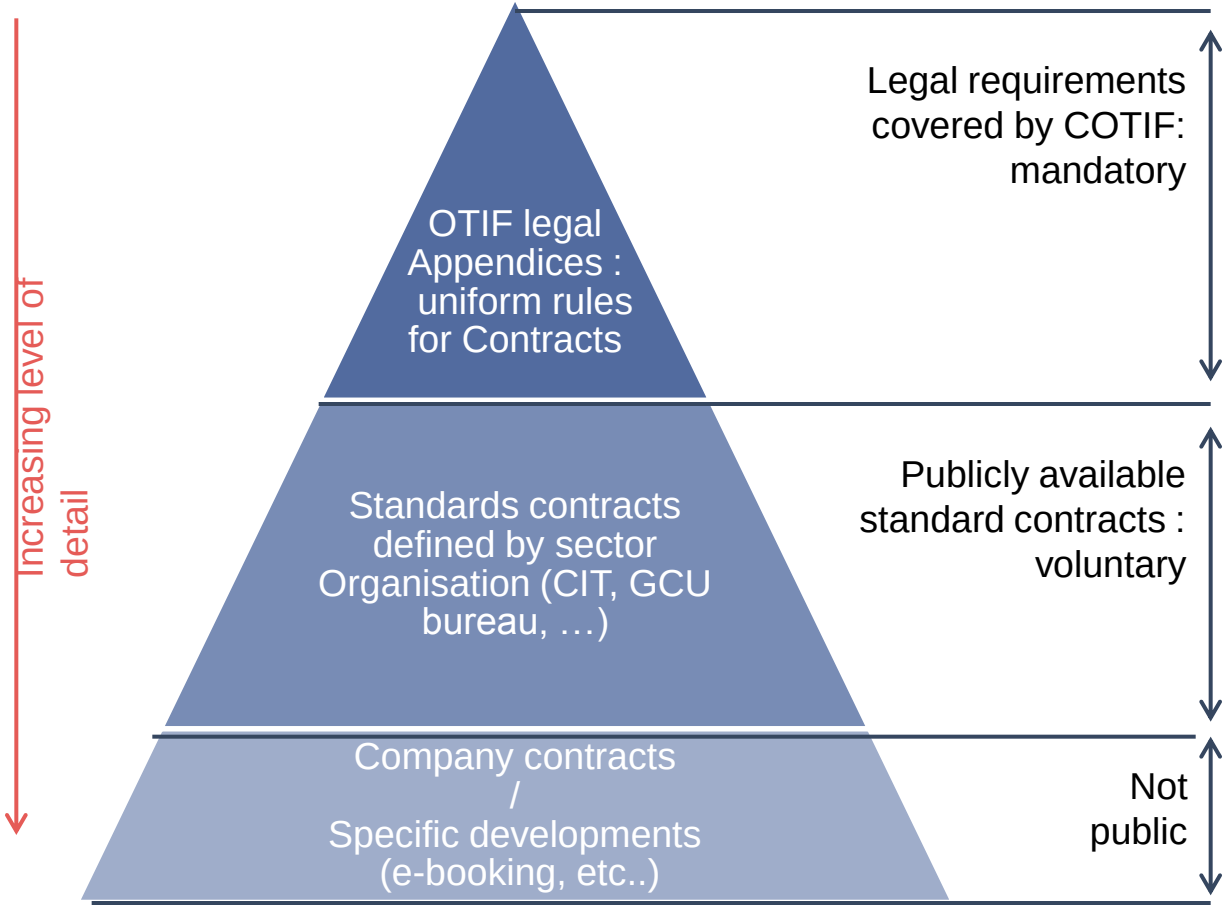
Uniform Rules concerning **Contracts of Use of Vehicles in International Rail Traffic**

Appendix E

CUI

Uniform Rules concerning the **Contracts of Use of Infrastructure in International Rail Traffic**

Legal interoperability : Legal pyramid



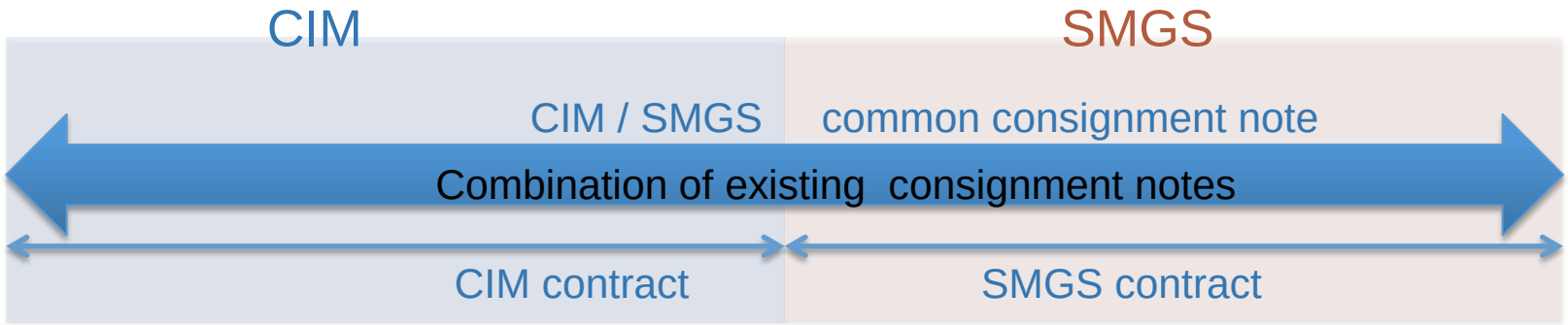
Agreement between States makes it mandatory to comply with uniforms rules

Multilateral agreement between railways undertakings defining General Terms and Conditions to comply with OTIF uniform rules.

Intellectual property of a company. Compliance with GTC and COTIF.

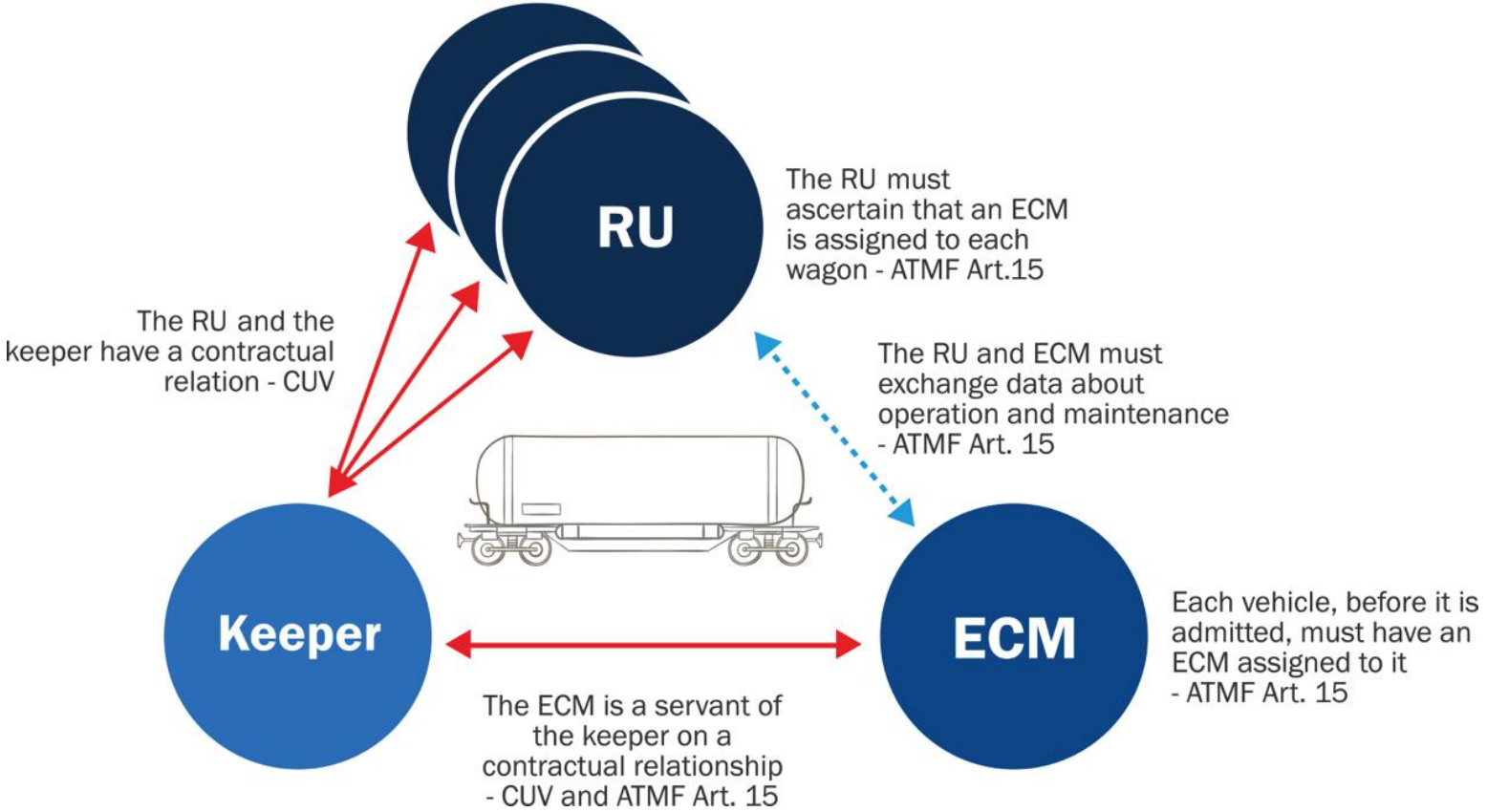
Unifiying transport contracts for freight

How International law covers Euro-Asiatic trafic



- The unified railway law (EURL) developed under the aegis of UNECE provides an interface law between CIM and SMGS
- Single contract would improve Euro-Asian rail traffic dramatically

A zoom on private keeper contractual framework



Seven Appendices of COTIF

Relation to EU and UN rules

Appendix A

CIV

Uniform Rules concerning the **Contract of International Carriage of Passengers by Rail**

Appendix B

CIM

Uniform Rules concerning the **Contract of International Carriage of Goods by Rail**

Appendix C

RID

Regulation concerning the **International Carriage of Dangerous Goods by Rail**

Appendix D

CUV

Uniform Rules concerning **Contracts of Use of Vehicles in International Rail Traffic**

Appendix E

CUI

Uniform Rules concerning the **Contracts of Use of Infrastructure in International Rail Traffic**

Appendix F

APTU

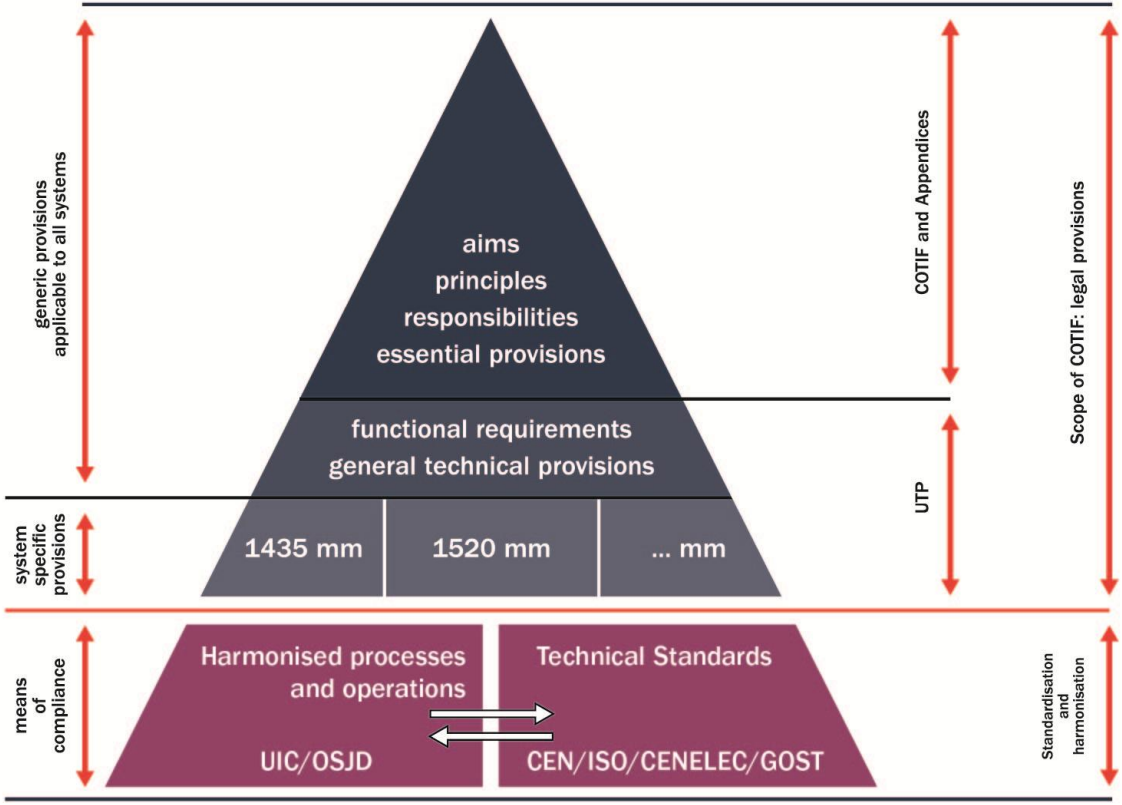
Uniform Rules concerning the **Validation of Technical Standards and Adoption of Uniform Technical Prescriptions applicable to Railway Material**

Appendix G

ATMF

Uniform Rules concerning the **Technical Admission of Railway Material used in International Traffic**

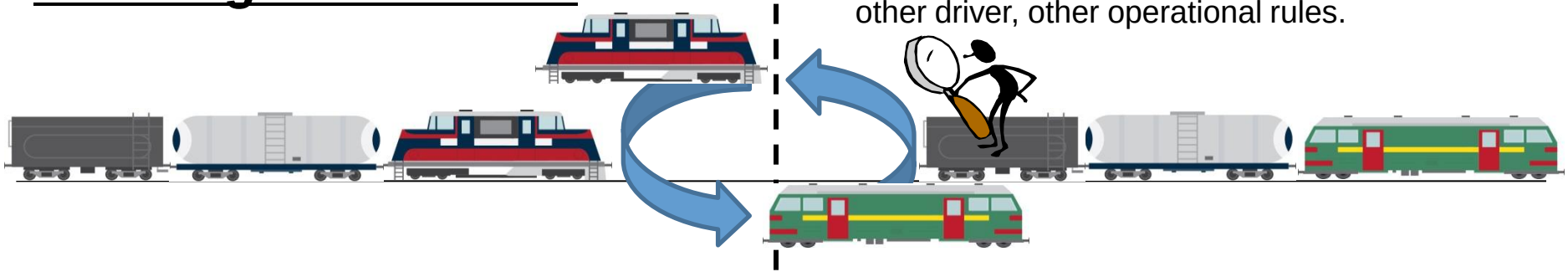
Technical interoperability: a general framework



Operational concepts for international rail traffic

Exchange of vehicles

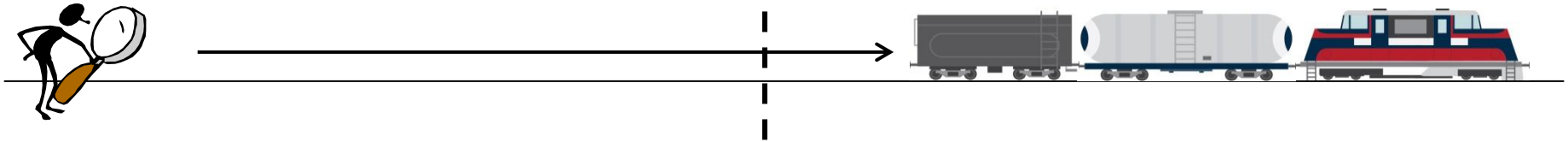
Reconfiguring and preparation of train at border crossing station; other locomotive, other driver, other operational rules.



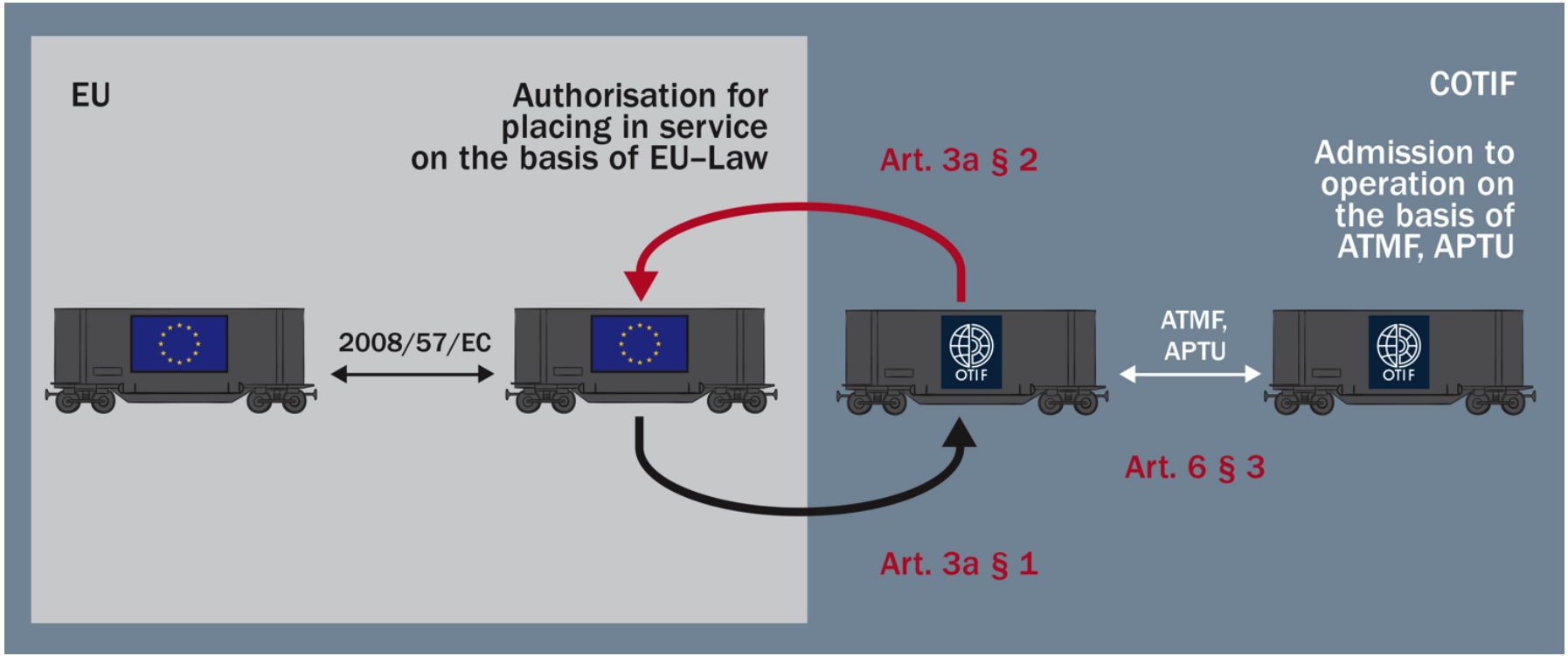
Interoperability

Train preparation at point of departure

Uninterrupted train movement across border, without changing train configuration or driver



Equivalence with EU law



Setting up interoperability: last General Assembly and further steps

Level 4
Unified railway Market

Market access
Competition regulation
(not in scope of COTIF)

Level 3
Interoperability of trains in a network of different systems

Accident investigation /Safety supervision.
Train driver licensing/Operational rules
Definition of separate tasks IM and RU
Safety responsibilities for all actors.
CCS compatibility/Telematics applications
Interface train/infrastructure

Level 2
International exchange of railway vehicles

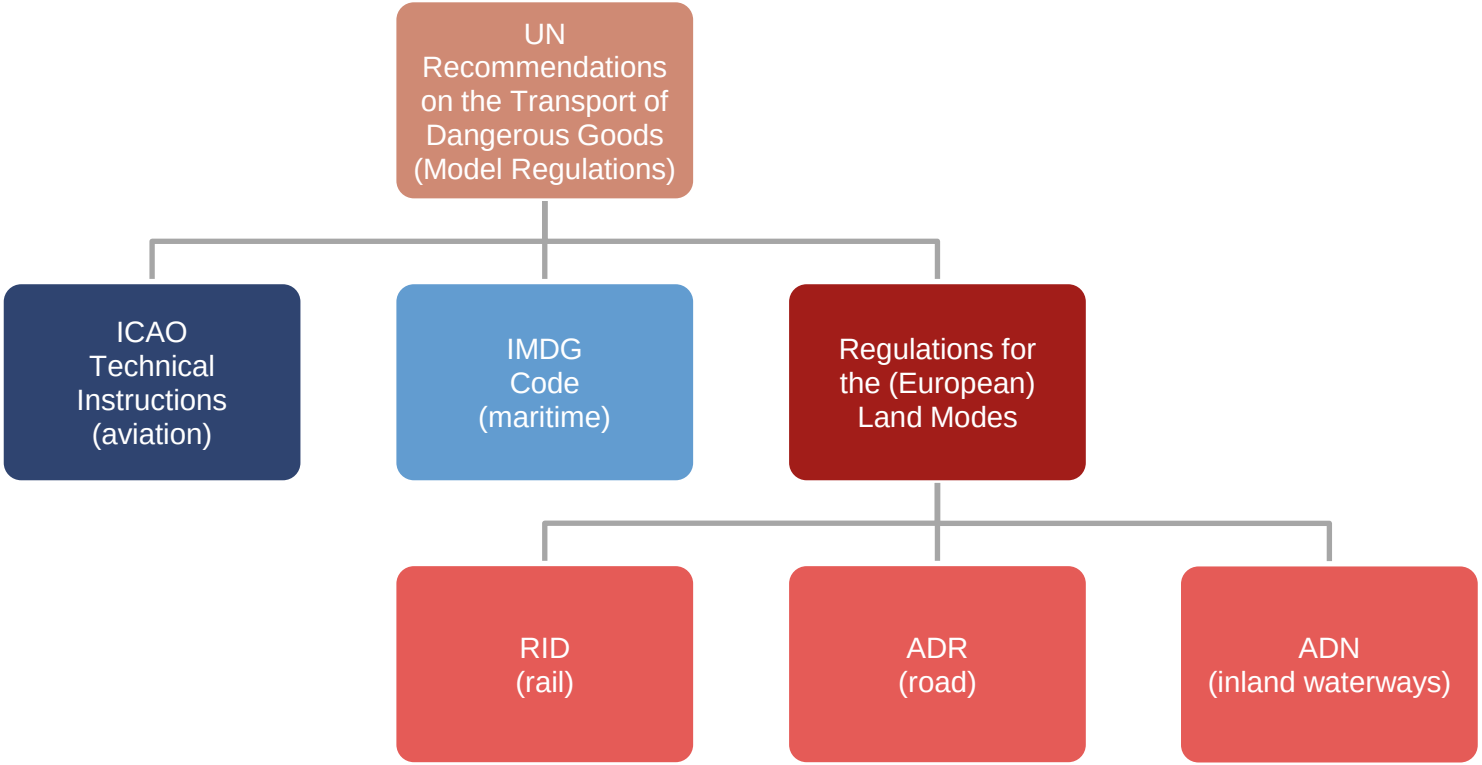
ATMF, APTU
Train composition requirements.
Accessible national vehicle registers
Vehicle requirements in UTP.
Maintenance: ECM

Level 1
International transport of goods and passengers

CUV, RID
Contract of carriage CIM, CIV.
Standard contracts.

COTIF today

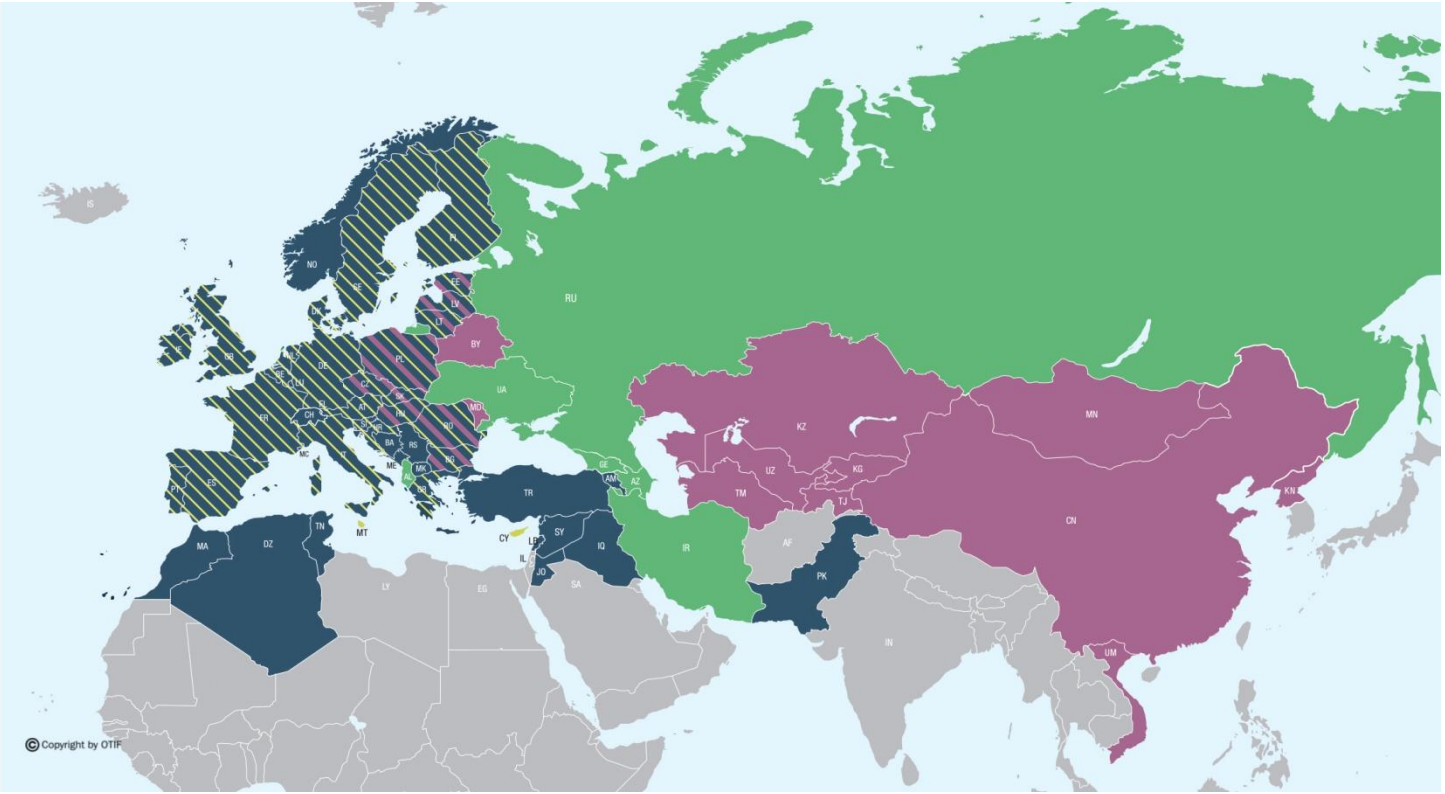
Regulations for the Transport of Dangerous Goods



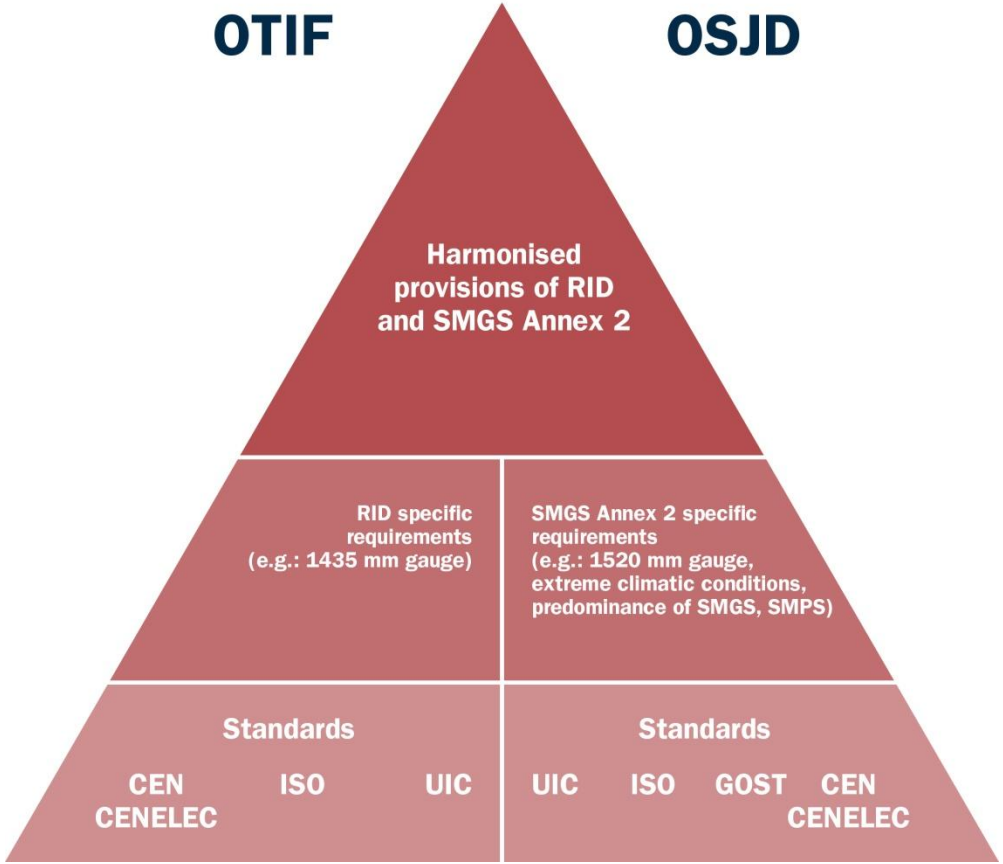
État au 15 janvier 2016
Stand 15. Januar 2016
Situation on 15th January 2016

OTIF – OSJD – EU Member States

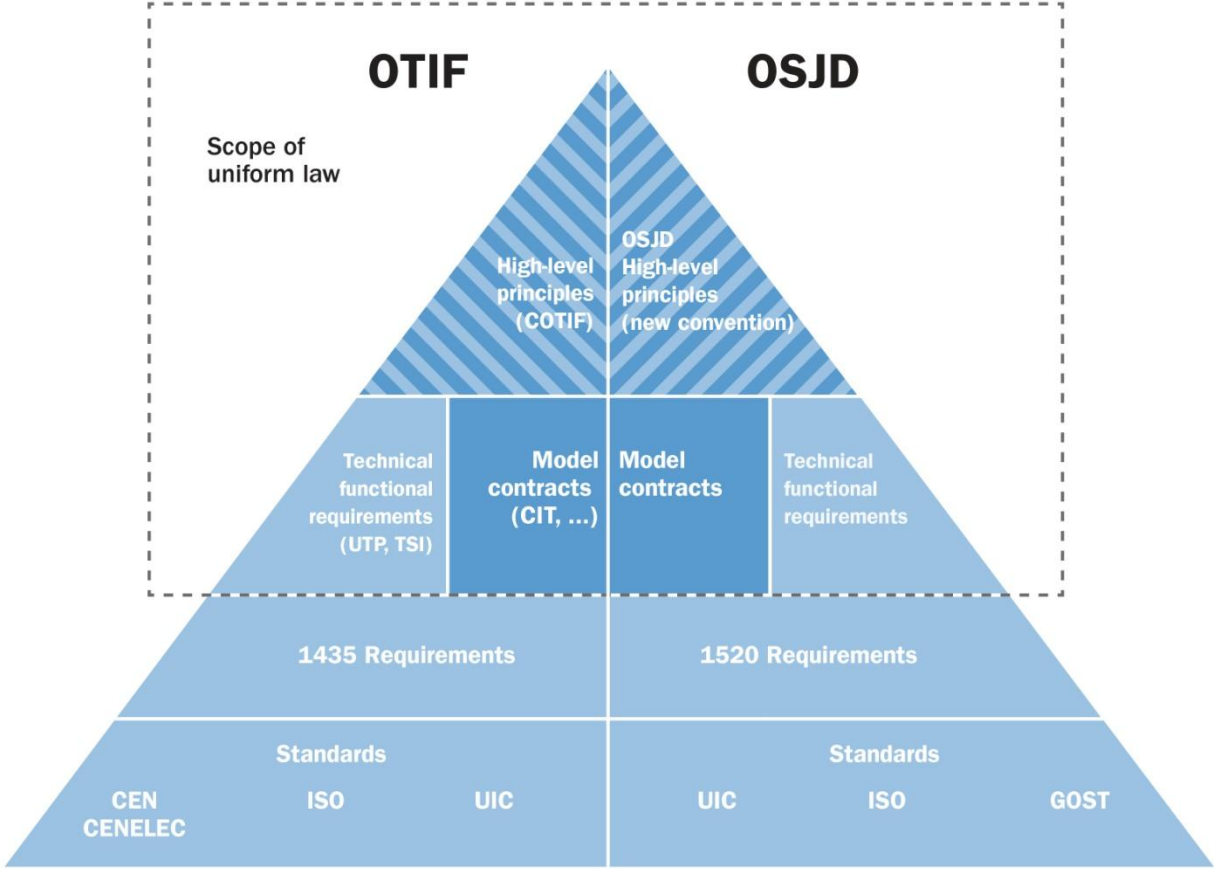
- OTIF
- OSJD
- OTIF & OSJD
- OTIF & EU
- OTIF & OSJD & EU
- EU



Transport of dangerous goods : an harmonized regime

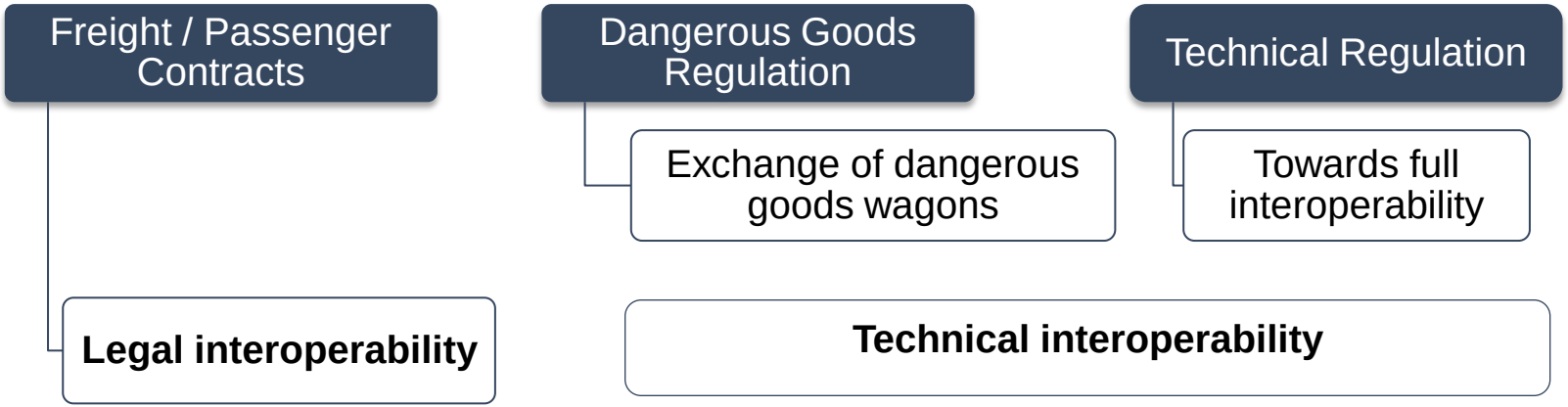


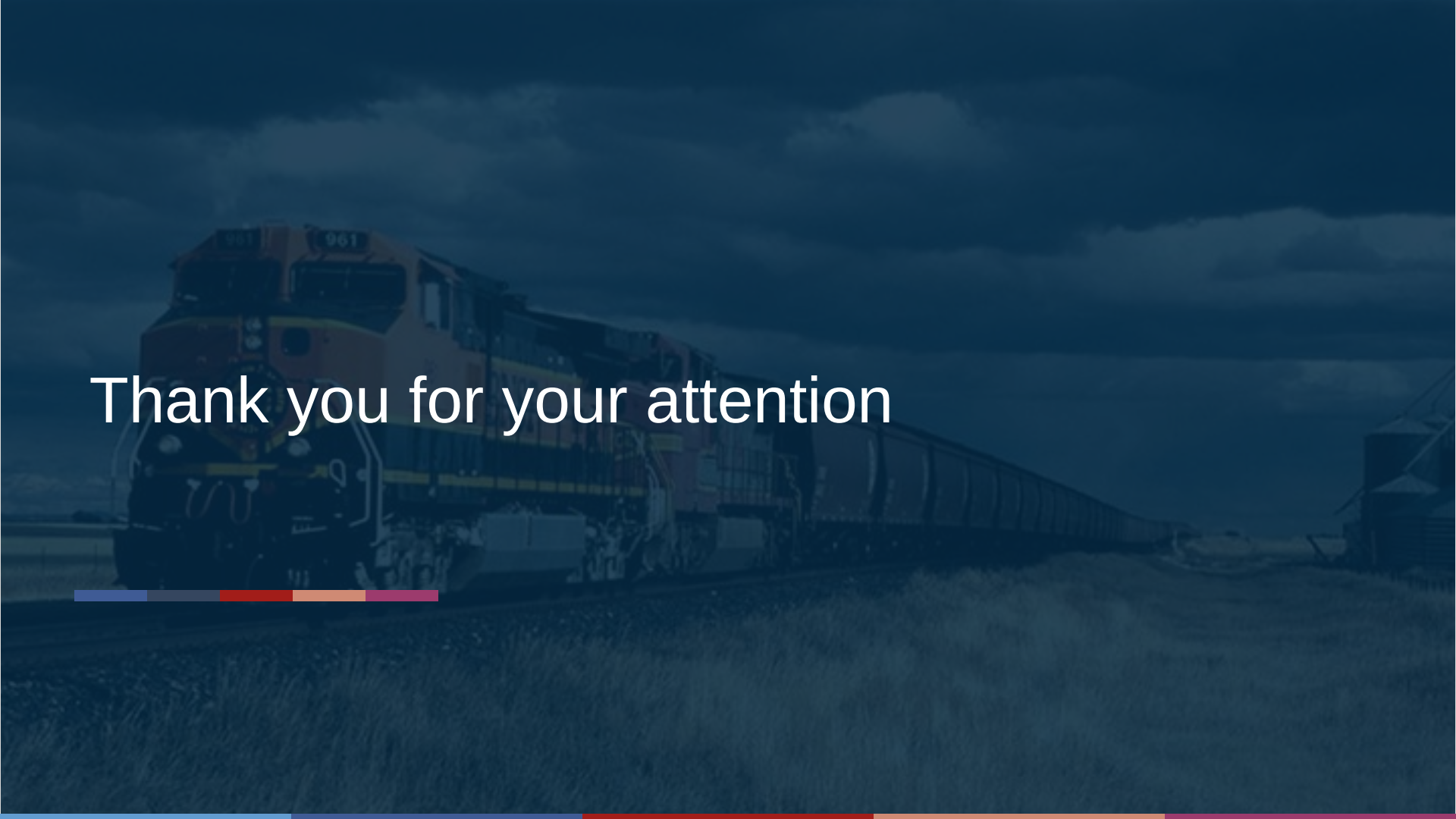
COTIF – A forum for developing uniform law



COTIF – developing uniform law for interoperable networks

- International binding law
- A bridging concept
- An approach based on partnership
- Railways as networks: connected, uniform and interoperable





Thank you for your attention

OTIF

Organisation intergouvernementale pour les transports internationaux ferroviaires

Zwischenstaatliche Organisation für den internationalen Eisenbahnverkehr

Intergovernmental Organisation for International Carriage by Rail

Gryphenhübeliweg 30
CH - 3006 Berne

+ 41 (0)31 359 10 10
media@otif.org
www.otif.org