



ORGANISATION INTERGOUVERNEMENTALE POUR LES TRANSPORTS INTERNATIONAUX FERROVIAIRES
ZWISCHENSTAATLICHE ORGANISATION FÜR DEN INTERNATIONALEN EISENBAHNVERKEHR
INTERGOVERNMENTAL ORGANISATION FOR INTERNATIONAL CARRIAGE BY RAIL

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PARTIAL REVISION OF APPENDIX F (APTU UR)

Proposal for an amendment: deletion of “other railway material”

INTRODUCTION

At its 25th session, the Revision Committee adopted minor amendments to the Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic (APTU), Appendix F to the Convention. Among these modifications was the deletion of the term ‘other railway material’.

The justification for the deletion was that the term ‘other railway material’ seemed to serve no practical purpose. An additional argument is that the term ‘other railway material’ has no equivalent in European Union (EU) law, meaning that any requirement relating to ‘other railway material’ could become a source of incompatibility between COTIF and EU law and, as such, hamper international railway traffic or make it more difficult.

As a first step, the Revision Committee deleted all references to ‘other railway material’ insofar as this was in its competence. This concerned all articles except Articles 1, 3 and 9 to 11 and the Annexes, as in accordance with Article 33 § 4 letter f) of COTIF, only the General Assembly is competent to decide on modifications to Articles 1, 3 and 9 to 11 and the Annexes of APTU.

As a second step, the Revision Committee suggested that ‘other railway material’ be deleted from Articles 1, 3 and 9 to 11 and from the Annexes of APTU, which are in the competence of the General Assembly.

Articles 1 and 9 to 11 and the Annexes do not contain any references to ‘other railway material’, so the modifications only concern Article 3.

PROPOSAL

Article 3 of the Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic (APTU), Appendix F to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24th and 25th sessions, should be amended as follows:

Article 3

Aim

- § 1 The validation of technical standards relating to railway material and the adoption of UTP applicable to railway material shall have as its aim to
- a) facilitate the free circulation of vehicles ~~and the free use of other railway material~~ in international traffic,
 - b) contribute to ensuring the safety, efficiency and the availability for international traffic,
 - c) take account of the protection of the environment and public health.
- § 2 When technical standards are validated or UTP are adopted, only those prepared at the international level shall be taken into account.

- § 3 To the extent possible
- a) it is appropriate to ensure interoperability of technical systems and components necessary for international traffic;
 - b) technical standards and UTP shall be performance related; if appropriate, they shall include variants.

Proposals for decision

1. The General Assembly adopts the amendment.

Article 3 of the Uniform Rules concerning the Validation of Technical Standards and the Adoption of Uniform Technical Prescriptions applicable to Railway Material intended to be used in International Traffic (APTU), Appendix F to the Convention concerning International Carriage by Rail (COTIF) of 9 May 1980 in the version of the Protocol of 3 June 1999 (Vilnius Protocol) and with amendments adopted by the Revision Committee at its 24th and 25th sessions, is amended to read as follows:

“Article 3 Aim

- § 1 The validation of technical standards relating to railway material and the adoption of UTP applicable to railway material shall have as its aim to
- a) facilitate the free circulation of vehicles in international traffic,
 - b) contribute to ensuring the safety, efficiency and the availability for international traffic,
 - c) take account of the protection of the environment and public health.
- § 2 When technical standards are validated or UTP are adopted, only those prepared at the international level shall be taken into account.
- § 3 To the extent possible
- a) it is appropriate to ensure interoperability of technical systems and components necessary for international traffic;
 - b) technical standards and UTP shall be performance related; if appropriate, they shall include variants.”
2. The General Assembly mandates the Secretary General to amend the Explanatory Report accordingly in order to reflect the deletion of the term “other railway material”, and to publish it. The amendment concerns APTU, section ‘General Points’, point 13, first sentence.